

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL KULAKOWSKI,)
)
Plaintiff,)
)
vs.)CASE NO.
)3:16-CV-02510
)
WESTROCK SERVICES, INC.,)
)
Defendant.)

VIDEOTAPED DEPOSITION OF
MICHAEL DAVID KULAKOWSKI

Taken on Behalf of the Defendant

November 7, 2017

Commencing at 9:55 a.m.

Reported by: Jerri L. Porter, RPR, CRR
Tennessee LCR No. 335
Expires: 6/30/2018

<div>1 APPEARANCES:</div> <div>2 For the Plaintiff:</div> <div>3 HEATHER MOORE COLLINS</div> <div>4 Collins & Hunter</div> <div>5 7000 Executive Center Drive</div> <div>6 Building 2, Suite 320</div> <div>7 Brentwood, Tennessee 37027</div> <div>8 (615) 724-1996</div> <div>9 heather@collinshunter.com</div> <div>10</div> <div>11 For the Defendant:</div> <div>12</div> <div>13 MARY DOHNER SMITH</div> <div>14 Constangy, Brooks, Smith & Prophete</div> <div>15 1010 SunTrust Plaza</div> <div>16 401 Commerce Street</div> <div>17 Nashville, Tennessee 37219</div> <div>18 (615) 320-5200</div> <div>19 mdohner@constangy.com</div> <div>20</div> <div>21 Also Present:</div> <div>22 Sophia Gordon, Videographer</div> <div>23</div> <div>24</div> <div>25</div>	<div>Page 2</div>
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<div>1 The videotaped deposition of MICHAEL</div> <div>2 DAVID KULAKOWSKI was taken on behalf of the</div> <div>3 Defendant on November 7, 2017, in the offices of</div> <div>4 Bone, McAllester & Norton, 131 Saundersville Road,</div> <div>5 Suite 130, Hendersonville, Tennessee, for all</div> <div>6 purposes under the Federal Rules of Civil Procedure.</div> <div>7 The formalities as to notice, caption,</div> <div>8 certificate, et cetera, are waived. All objections,</div> <div>9 except as to the form of the questions, are reserved</div> <div>10 to the hearing.</div> <div>11 It is agreed that Jerri L. Porter,</div> <div>12 being a Notary Public and Court Reporter for the</div> <div>13 State of Tennessee, may swear the witness, and that</div> <div>14 the reading and signing of the completed deposition</div> <div>15 by the witness are reserved.</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21 * * *</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>Page 5</div>

<p>Page 50</p> <p>1 something like that. I mean, I don't think it was 2 directly about anything. 3 Q Okay. Do you have any personal knowledge 4 about how many times Terri was actually at the 5 fulfillment center prior to this whole issue with 6 Tommy popping up? 7 A All I know is what she's told me, and it's 8 hearsay. 9 Q Who has told you? 10 A Terri Henley told me that she -- 11 Q What did she tell you? 12 A She told me the only time she could come to 13 fulfillment is to clear it with Tommy Whited and 14 Susan Hart and that she wasn't allowed to come out 15 on the floor just -- unless they kept her right 16 there. And she said that she wasn't ever allowed to 17 come out and try to talk to people like she does at 18 every other plant she gets to go to. She said they 19 would not let her. That's what she told me. 20 Q When did she tell you that? 21 A Conversation we had -- date-wise, I can't 22 remember. I was coming back from vacation when all 23 this started. Probably October -- September/October 24 last year maybe, or something like that. She called 25 me. I was coming back from vacation.</p>	<p>Page 52</p> <p>1 any kind of questions that had to do with human 2 resource. 3 Q Who told you that? 4 A Tommy, Larry, any supervisor or management 5 there was. Tommy Whited directly out of his mouth, 6 Helen Kendall is human resource, she handles that. 7 Q The company has a corporate HR department, 8 correct? 9 A Correct. 10 Q And that's located outside of the 11 fulfillment center in Gallatin? 12 A Talking about Helen Kendall -- 13 Q I'm not talking about Helen Kendall who is 14 local here in Gallatin. 15 A Okay. 16 Q I'm talking about the corporate HR 17 department that is outside Gallatin, Tennessee. 18 There is a corporate HR department in Norcross, 19 Georgia -- 20 A Okay. 21 Q -- correct? 22 MS. COLLINS: Objection to form. 23 THE WITNESS: I didn't know where they 24 were stationed at Norcross, that's corporate, so I 25 just figured they had one there. I'm sorry. It's</p>
<p>Page 51</p> <p>1 Q Do you have any personal knowledge, though, 2 of how often, prior to 2016, Terri Henley was 3 physically at the fulfillment center? 4 A Me personally, couldn't be more than two. 5 Q Okay. Do you have any personal knowledge -- 6 A No. 7 Q -- of when she walked in that building and 8 was there? 9 A No. 10 Q Okay. Who is Helen Kendall? 11 A I thought Helen Kendall was our human 12 resource the whole time I've been there. She was 13 the one that finally got me hired. 14 Q Any reason to dispute that Helen Kendall was 15 actually an administrative assistant? 16 MS. COLLINS: Objection to form. 17 You can answer if you know how to 18 answer that question. 19 THE WITNESS: I don't know how to 20 answer. 21 BY MS. DOHNER SMITH: 22 Q Okay. Do you know what her actual job title 23 or duties were? 24 A Human resource. Any questions about human 25 resource, we was told to call Helen Kendall about</p>	<p>Page 53</p> <p>1 so... 2 BY MS. DOHNER SMITH: 3 Q So there's corporate HR people outside of 4 Gallatin, Tennessee? 5 MS. COLLINS: Objection to form. 6 BY MS. DOHNER SMITH: 7 Q As far as you know? 8 A Yes, ma'am, as far as I know. 9 Q Okay. Throughout your employment with the 10 company, you've received copies of the employee 11 handbook, correct? 12 A Apparently. 13 Q And the company's code of conduct? I'm 14 going to ask you to take a look at these documents. 15 Are these all documents you signed, acknowledging 16 your receipt of the company handbook and code of 17 conduct? 18 A That looks like my signature. 19 MS. DOHNER SMITH: Let's go ahead and 20 mark that Number 3. 21 (Marked Exhibit No. 3.) 22 BY MS. DOHNER SMITH: 23 Q I'm going to ask you to take a look at this 24 document. Do you have any reason to dispute that 25 this is the company's 2011 employee handbook?</p>

<p>Page 54</p> <p>1 MS. COLLINS: These aren't Bates 2 labeled, Exhibit Number 3. Have these been 3 produced? 4 MS. DOHNER SMITH: Yeah. These were in 5 the packet that I gave you when you came in. 6 MS. COLLINS: I didn't get a packet 7 when I came. 8 MS. DOHNER SMITH: When you came to my 9 office, I handed you a packet. 10 MS. COLLINS: Oh, yeah. Okay. They 11 just weren't Bates labeled? 12 MS. DOHNER SMITH: They should have 13 been. She may have just printed off a copy that 14 wasn't Bates labeled. 15 MS. COLLINS: Okay. 16 BY MS. DOHNER SMITH: 17 Q Do you have any reason to dispute this was 18 the company handbook in 2011 that was issued? 19 A I mean, I don't guess I can dispute it. I 20 don't remember it, but... 21 Q You signed a form stating that you received 22 it, correct? 23 A I guess so, ma'am. There's my signature. 24 MS. COLLINS: Objection to form. 25</p>	<p>Page 56</p> <p>1 Does that say equal opportunity – Equal 2 Employment Opportunity Policy there down at the 3 bottom? 4 A Yes, ma'am. 5 Q And if you flip the page, the second 6 paragraph says, "If an employee has a question or 7 concern about, or is a victim of any type of 8 discrimination in the workplace, he or she must 9 contact his or her divisional HR director or call 10 the compliance hotline," and it provides a number; 11 is that correct? 12 A Yes, ma'am. 13 Q Okay. And the company actually has a 14 corporate hotline for employees to report issues; is 15 that correct? 16 A This says it does. 17 Q Okay. And it's also posted at the 18 fulfillment center in the breakroom, correct? 19 MS. COLLINS: Objection to form. 20 BY MS. DOHNER SMITH: 21 Q The compliance hotline? 22 A I'm sure it is now. 23 Q Well, it's been posted for quite some time, 24 hasn't it? 25 MS. COLLINS: Objection to form.</p>
<p>Page 55</p> <p>1 BY MS. DOHNER SMITH: 2 Q Okay. I'll have you take a – if you kind 3 of go through, down at the bottom there's going to 4 be some pages that are listed as Page 1, Page 2. Or 5 actually just – let's go to the – you can just go 6 to the second page. You don't even have to count. 7 Just – just flip over the top page. 8 A Okay. I'm sorry. 9 Q This document here on the second page 10 requires compliance with the provisions of the 11 handbook. Any reason to dispute it says that? 12 A No, ma'am, I guess not. 13 Q Okay. And it also says that violation could 14 lead to disciplinary action, including termination. 15 Any reason to dispute that? 16 A No, ma'am. 17 Q Okay. If you turn to – a few pages back, 18 up at the top it says Section A.1, Employment 19 Policies, and at the bottom it actually says Page 2. 20 Keep flipping. I'll tell you when to stop. 21 A (Witness complies.) 22 Q Turn another page. 23 A (Witness complies.) 24 Q Or turn one page back. My eyes are all 25 funny. I can't see right.</p>	<p>Page 57</p> <p>1 THE WITNESS: I don't know. 2 BY MS. DOHNER SMITH: 3 Q If you keep turning pages down at what – it 4 says Page 7 at the bottom. There's a big page there 5 that says, "Compliance Hotline," correct? 6 A Yes, ma'am. 7 Q And it says "Four ways to report." Is that 8 correct? 9 A Yes, ma'am. 10 Q And it says you can report by phone, and it 11 provides a telephone number; is that correct? 12 A Yes, ma'am. 13 Q And number 2, you can make a report by mail, 14 and it provides an address; is that correct? 15 A Yes, ma'am. 16 Q And that's an address in Norcross, Georgia, 17 correct? 18 A It is. 19 Q And then it says number 3 is on the 20 intranet; is that correct? 21 A Yes. Yes, ma'am. 22 Q And then number 4, via the internet; is that 23 correct? 24 A Do I have an internet? 25 Q No. I'm saying that there's four ways that</p>

<p>Page 66</p> <p>1 mark that Number 5. 2 (Marked Exhibit No. 5.) 3 THE WITNESS: Thank you. 4 BY MS. DOHNER SMITH: 5 Q During the course of your employment, you 6 were also provided with copies of the plant rules; 7 is that correct? 8 A Yes, ma'am. 9 Q I'll have you take a look at this document. 10 It's a two-page document. Is that your signature on 11 both sheets evidencing that you received a copy of 12 the plant rules? 13 A It does look like my signature, correct. 14 Q Okay. And if you'll look down there, 15 number 3 provides that "no team member shall falsify 16 any time card or any other record." Is that 17 correct? 18 A Correct. 19 Q And number 6 prohibits fighting; is that 20 correct? 21 A Correct. 22 Q Number 7 prohibits abusive language; is that 23 correct? 24 A Correct. 25 Q Number 12 prohibits horseplay; is that</p>	<p>Page 68</p> <p>1 A Four hours pay, yes, ma'am. 2 Q – regardless of whether or not you're there 3 for four hours, correct? 4 A Yes, ma'am. Yes, ma'am. 5 Q Now, if you're there more than four hours, 6 you get paid for however long you've worked. 7 A Yes, ma'am. 8 Q But if, for example, you're called back to 9 work and you only work two hours, you get paid 10 four hours, correct? 11 A Correct. 12 MS. DOHNER SMITH: Let's go ahead and 13 mark that Number 7. 14 (Marked Exhibit No. 7.) 15 THE WITNESS: Thank you. 16 BY MS. DOHNER SMITH: 17 Q It's my understanding that you are suing the 18 company for sexual harassment. When did you first 19 believe you were subject to sexual harassment? 20 MS. COLLINS: Objection to form. 21 THE WITNESS: Right at eight years ago, 22 might be nine. 23 BY MS. DOHNER SMITH: 24 Q Nine years ago? 25 A Because of this year here.</p>
<p>Page 67</p> <p>1 correct? 2 A Correct. 3 MS. DOHNER SMITH: Let's go ahead and 4 mark that Number 6. 5 (Marked Exhibit No. 6.) 6 THE WITNESS: Thank you. 7 BY MS. DOHNER SMITH: 8 Q I'll have you take a look at another 9 document. If you'll take a look at the last page 10 there, is that your signature on the last page? 11 A It looks like my signature, correct. 12 Q And this is the company's attendance policy, 13 correct? 14 A Looks like it, yes, ma'am. Correct. 15 Q And on the first page it says "Time 16 Records." And it says, "The time card is to be 17 punched in when reporting to work and punched out 18 when leaving work." Correct? 19 A Correct. 20 Q And it provides disciplinary action for not 21 following the guidelines down there at the bottom? 22 A Yes, ma'am. 23 Q The company also has what's called call-in 24 pay, correct? If you're called in to work outside 25 of your normal shift, you get four hours of pay –</p>	<p>Page 69</p> <p>1 Q So, nine years ago you believed you were 2 subject to sex harassment. When you were sitting 3 there in the workplace, you thought to yourself, 4 I've been sexually harassed? 5 MS. COLLINS: Objection to form. 6 THE WITNESS: Yes, ma'am. 7 BY MS. DOHNER SMITH: 8 Q Okay. All right. Who do you believe has 9 sexually harassed you? 10 A Tommy Whited. 11 Q Is there anyone else who has sexually 12 harassed you? 13 A Physically, just Tommy Whited. 14 Q Has anybody else sexually harassed you? 15 A No, ma'am. Just Tommy Whited. 16 Q All right. What did Tommy Whited do to 17 sexually harass you? What I want you to do is go 18 through and list out every incident you can 19 remember. 20 A Years back, off and on for years, going to 21 the bathroom, unzipping his zipper, pulling his 22 penis out and telling me to come in the bathroom. 23 If I want a raise or want to keep my job, come in 24 there and do what I have to do to keep my job or get 25 a raise.</p>

<p>Page 70</p> <p>1 Q Did you actually go in and perform oral sex 2 on him? 3 A No, I did not. 4 Q Okay. How many times did he unzip his 5 zipper, pull out his penis, and tell you to come 6 into the bathroom and do what you needed to do to 7 get a raise? 8 A I'd say approximately 11 times physically 9 doing that. 10 Q When? 11 A The last time was probably a month before -- 12 somewhere around a month before this all went crazy, 13 before he was dismissed or whatever. 14 Q Where were you? 15 A By the breakroom. There's a fence there, 16 and he was at the bathroom door there and I was 17 coming through to go to the bathroom. And I stopped 18 to go in until he finished what he was saying, 19 whatever, and of course, I waited. Then I went 20 outside and waited until he was gone to come back in 21 to go in to go to the restroom. 22 Q What specifically did he say? 23 A Unzipped his pants. You could see flesh of 24 his penis. Asked me to come in the bathroom and 25 suck a dick if I want a raise like I've been asking</p>	<p>Page 72</p> <p>1 MS. COLLINS: Objection to form. 2 THE WITNESS: If I have to answer this, 3 if he's not part homosexual, he's got the 4 tendencies. 5 BY MS. DOHNER SMITH: 6 Q Okay. What other incident can you remember 7 where he did this? 8 A Like I said, there's probably eleven of them 9 over the eight-year period. 10 Q I'm asking for specific incidences. Any 11 other incident you can remember? 12 A There was ten of them, but date-wise, I 13 can't particularly give you the date with all of my 14 documents getting destroyed. 15 Q Do you recall any other incident, where you 16 were, what you were doing, what he said? 17 A Well, the sexual -- I call it sexual -- 18 Q We're talking just right now about the 19 unzipping of the pants, pulling out the penis, and 20 telling you to suck his dick. 21 A The bathroom down at the front offices where 22 he stayed in Susan's office a lot, he did it a 23 few -- three to four times at that bathroom 24 entrance. 25 Q Do you remember specific -- any time period</p>
<p>Page 71</p> <p>1 for all the time. He's tired of hearing it. 2 Q Did anybody else witness this? 3 A That particular one, I'm almost 100 percent 4 positive Susan Hart was standing there. 5 Q How did you respond? 6 A Walked off, went out the steps to the 7 smoking shelter there, gave it a few minutes, kind 8 of come up the steps to make sure -- if I knew she 9 wasn't standing there, that he wasn't. 10 So I went into the private men's room where 11 there can't -- you can lock the door and there's 12 only one commode there. There's not a stall like in 13 the other one and a commode. 14 Q Any -- do you think he really wanted you to 15 suck his dick? 16 MS. COLLINS: Objection to form. 17 THE WITNESS: I honestly can't say what 18 the man -- if the man wanted me to or not, but I 19 didn't want to. 20 BY MS. DOHNER SMITH: 21 Q Do you think if you would have said yes, he 22 would have let you? 23 A I wouldn't put it past him. 24 Q Okay. So do you think that Tommy Whited is 25 a homosexual?</p>	<p>Page 73</p> <p>1 that this took place, the two to three times? What 2 year? 3 A Three of them was within a year of before he 4 got terminated. Probably skip a year. It happened 5 twice the year before that. Probably once the year 6 before that, and two the year before that. 7 Q So we've got three times in 2016, two times 8 in 2015, one time in 2014, and two times in 2013? 9 A I believe that sounds correct, ma'am. 10 Q All right. Tell me about the three times in 11 2016. What can you remember? 12 A The last few years of, I call the end of 13 this nightmare, I believe if he could have pulled me 14 in the bathroom, he would have, and -- 15 Q I'm asking you to tell me about the 16 specifics that you remember about the three 17 incidences in 2016 up and near the front office 18 bathroom where you said Tommy Whited unzipped his 19 pants, pulled out his penis and wanted you to suck 20 his dick. 21 A He had the door open going in there, 22 hollering, Kuli, come here. And I'm like, what? 23 And then when I -- kind of like he turned kind of 24 around like that and have his pants unzipped, and 25 you could see flesh of his penis right there. He'd</p>

<p>Page 74</p> <p>1 say, get your ass in here and get down on your 2 knees. You know, give me a blow job, or suck my 3 dick, whichever one it would be. So, that's as 4 specific as I can...</p> <p>5 Q How did you react?</p> <p>6 A Went through the fence and left. Hurt, 7 angry, fed up with it.</p> <p>8 Q What about the two times in 2015? Where 9 were you when that happened?</p> <p>10 A It would be at the bathroom by the 11 breakroom.</p> <p>12 Q What happened?</p> <p>13 A Same -- open the bathroom door, holler at my 14 me to come in there. Or he'd stand there and wait, 15 if I was on the tow motor or doing something to a 16 truck, because the docks were right there. He'd do 17 the same incident. If he didn't pull it all the way 18 out and ask me to suck it, and he said, if you want 19 a raise, if you want to keep your job, get in here 20 and suck my dick.</p> <p>21 Q The one time in 2014, what do you remember 22 about that?</p> <p>23 A If I'm correct on that one, the unzipping of 24 the pants he did, wanted me to come into the 25 bathroom, which would be the one by the breakroom</p>	<p>Page 76</p> <p>1 Q These two incidences in 2013 where you say 2 that Tommy unzipped his pants and told you to suck 3 his dick, did you contact the district HR director 4 to report that?</p> <p>5 A No, ma'am, I did not. I contacted every --</p> <p>6 Q Did you contact --</p> <p>7 MS. COLLINS: Let him finish his -- he 8 was talking. Let him finish what he was saying.</p> <p>9 THE WITNESS: I let every management 10 know at my facility. I did not know about these 11 papers, about these HRs and all of these other 12 places we was supposed to call. I hadn't seen these 13 documents. I --</p> <p>14 BY MS. DOHNER SMITH:</p> <p>15 Q Well, you signed the one document stating 16 you received it, correct?</p> <p>17 A They lay papers in front of us all the time 18 in meetings to sign stuff. You know, they say 19 before y'all leave, everybody sign this and leave it 20 in the pile. Had meetings like that for years over 21 safety, anything there was. There's all kinds of 22 meetings. They'd have a pile of them here. Nobody 23 leave the room until you sign and date this and lay 24 it over here in the pile.</p> <p>25 Q Are you saying you never received a copy of</p>
<p>Page 75</p> <p>1 and the back of -- by the breakroom, grab his 2 underwear, start to come down. But I didn't see 3 flesh of the penis or anything on that one.</p> <p>4 Q What did he say?</p> <p>5 A He said, if you don't want me to fire you, 6 you're going to get in here and suck my dick.</p> <p>7 Q All right. What about the two times in 8 2013? Where were you, what happened?</p> <p>9 A '13, I'd say I was probably up at the 10 breakroom at the bathrooms by the dock doors up 11 there. One of them, he unzipped his pants and you 12 could see the flesh of his penis. He'd tell me to 13 either suck his dick for a raise or to keep my job 14 or both.</p> <p>15 The second one would be unzipping the pants, 16 and he'd have the door wide open and say, you're 17 going to get in here, you know, or I'm going to fire 18 you. You're going to suck it right now, I'm telling 19 you.</p> <p>20 Q Any other instances of him unzipping his 21 pants and telling you to suck his dick that you can 22 recall?</p> <p>23 A Not that I can recall right now, ma'am.</p> <p>24 Q Anything that would help you remember?</p> <p>25 A Not -- I -- that's what I know, ma'am.</p>	<p>Page 77</p> <p>1 the handbook throughout your entire employment?</p> <p>2 A I probably did.</p> <p>3 Q Okay.</p> <p>4 A I'm not going to say I didn't, but I'm not 5 going to say I remember 100 percent signing this and 6 this one right here particular. I can't honestly 7 say that.</p> <p>8 Q All right. But you signed documents saying 9 you received it.</p> <p>10 A Apparently I did. My signature is on there, 11 ma'am.</p> <p>12 Q Okay. Are you sitting here today, going to 13 tell me that you didn't know there was a corporate 14 HR department in Norcross, Georgia?</p> <p>15 MS. COLLINS: Objection to form.</p> <p>16 THE WITNESS: I'm not going to say 17 there wasn't.</p> <p>18 BY MS. DOHNER SMITH:</p> <p>19 Q Okay.</p> <p>20 A I'm going to say as an employee at WestRock, 21 any kind of incident, we was told to report it to 22 your management, and I reported it to every 23 management there was on every incident that ever, 24 ever happened, and nothing ever got done.</p> <p>25 Q So you reported the two incidents in 2013</p>

<p>1 where Tommy unzipped his pants and told you to suck 2 his dick to somebody in management. 3 Who did you report them to? 4 A Larry Eden. 5 Q Okay. When did you report them to Larry 6 Eden? 7 A Shortly after – the day after it happened, 8 as soon as I saw him, or called him on the phone. 9 Told Tommy, I didn't want to do that, I'm not like 10 that, I don't want to do that. Stop doing it to me. 11 Q Well, did you tell Larry Eden in person or 12 did you call him? 13 A I've called him multiple times, and I told 14 him in person in the 12, 13 years I've been there, 15 every bit of 90 to 100 times in person, face to 16 face. 17 Q Well, I'm asking specifically about the two 18 times in 2013 that you said Tommy Whited unzipped 19 his pants and told you to suck his dick. Did you 20 report those specific incidences to Larry Eden? Did 21 you tell him, Tommy called me into the bathroom, 22 pulled down his pants – pulled down his zipper and 23 told me to suck his dick? 24 A Yes, I told Larry face to face. 25 Q All right. When?</p>	<p>Page 78</p> <p>1 Q Did you report it in person or over the 2 phone? 3 A In person. 4 Q Where were you? 5 A If I'm 100 percent positive, I called him to 6 come to the warehouse on them and talked to him 7 about it. 8 Q What did you say? 9 MS. DOHNER SMITH: Sorry. We need to 10 stop and change a disk. 11 VIDEOGRAPHER: We are going off the 12 record. This marks the end of Disk 1 of the video 13 deposition of Michael Kulakowski. We are off the 14 record. The time on the monitor is 12:03 p.m. 15 (Recess observed.) 16 VIDEOGRAPHER: We on the record. The 17 time on the monitor is 12:04 p.m. This marks the 18 beginning of Disk 2 of the video deposition of 19 Michael Kulakowski. 20 BY MS. DOHNER SMITH: 21 Q So the two incidents in 2015, you said you 22 reported them to Larry Eden the day – was it all on 23 the same day that they happened or were they two 24 separate incidents spread out over months or... 25 A That was spread out over – them two was</p> <p>Page 80</p>
<p>1 A Day after it happened. 2 Q What did he say? 3 A Same remark I always get. Kuli, as long as 4 you work here, he's going to do things to you. 5 Q Anybody else you reported these two 6 incidents in 2013 where Tommy unzipped his pants and 7 told you to suck his dick? Anybody else that you 8 reported that to? 9 A Them two incidents there, Larry Eden is the 10 only one I can think of that I reported to, the 2013 11 incidents. 12 Q All right. The one incident in 2014 where 13 you say Tommy unzipped his pants and told you to 14 suck his dick, did you report that to anybody? 15 A I can't honestly sit here and say I did on 16 that one. 17 Q Okay. The two incidents in 2015 where you 18 say you were at the bathroom by the breakroom and he 19 unzipped his pants and told you to suck his dick to 20 keep your job or if you wanted a raise, did you 21 report that to anybody? 22 A Larry Eden. 23 Q Okay. When did you report it? 24 A It would be the day after, because I know he 25 wasn't at the warehouse.</p>	<p>Page 79</p> <p>1 spread out over one-month period. 2 Q Okay. So did you report each incident or 3 did you report one of them? 4 A I reported one of them. 5 Q Okay. Was it the first one or the second 6 one? 7 A It would be the first one. 8 Q Okay. Did you report it to anyone other 9 than Larry Eden? 10 A Reported Larry Eden, plant manager. I 11 reported it to him, so... 12 Q So Larry Eden is the only person you 13 reported it to? 14 A On that incident, yes. 15 Q What did Larry Eden say? 16 A There's nothing he can do about it. 17 Q The two times in 2013 that you said this 18 happened, were these spread out or did they happen 19 in close relation to each other? 20 A The one in '13, close relation, like a day 21 apart or something like that. 22 Q Okay. So did you report both of the 23 incidents to Larry or one or... 24 A No. I reported both of them. 25 Q So you had two conversations with him?</p> <p>Page 81</p>

<p>Page 82</p> <p>1 A Yes, ma'am.</p> <p>2 Q The three times in 2016 when you say this</p> <p>3 happened, did you report that to anybody?</p> <p>4 A Larry Eden.</p> <p>5 Q Were they spread out over a time period or</p> <p>6 close in time?</p> <p>7 A Two were close, one was spread out, probably</p> <p>8 like two within a week and the other one was like</p> <p>9 two weeks later.</p> <p>10 Q Okay. Was one of those three the one that</p> <p>11 took place just a month before he was terminated?</p> <p>12 A Yes.</p> <p>13 Q Tommy was terminated?</p> <p>14 A Yes.</p> <p>15 Q So there weren't four times in 2016, there</p> <p>16 were three times?</p> <p>17 A Three, yes, ma'am.</p> <p>18 Q And the one took place shortly before Tommy</p> <p>19 was terminated, about a month prior?</p> <p>20 A Yes, ma'am.</p> <p>21 Q Okay. When did the other two incidents take</p> <p>22 place? How long before that?</p> <p>23 A I think my note said -- I think it was --</p> <p>24 one was a week before that, and the other was</p> <p>25 probably -- probably a week ahead of that one.</p>	<p>Page 84</p> <p>1 Tommy, so that's why I reported them to him.</p> <p>2 Q Who is Jeb Bell?</p> <p>3 A I think he's a big wheel with WestRock.</p> <p>4 I've never met the man.</p> <p>5 Q Have you ever, ever met anybody who is above</p> <p>6 Tommy?</p> <p>7 A Some Tom Perdine (phonetic) or whatever was</p> <p>8 in one of the meetings.</p> <p>9 Q Tom Pedine?</p> <p>10 A Pedeen (phonetic), Pedine, or something. I</p> <p>11 thought he was Tommy's boss. He's over -- he was</p> <p>12 over some multi -- he was a big wheel. I don't know</p> <p>13 how big.</p> <p>14 Q Okay.</p> <p>15 A He was big enough to probably shut a plant</p> <p>16 down. So, to me, he's big.</p> <p>17 Q So, anybody other than Larry Eden that you</p> <p>18 ever reported these incidents to?</p> <p>19 A Then with the zipper, Larry Eden.</p> <p>20 Q Okay. You never called the hotline or</p> <p>21 called corporate HR or notified corporate HR; is</p> <p>22 that correct?</p> <p>23 A I did not. Did not know the number was in</p> <p>24 there; I'm sorry.</p> <p>25 Q Okay. Do you remember a meeting, an</p>
<p>Page 83</p> <p>1 Q Okay. So all within like a month of each</p> <p>2 other?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Okay. Did you report all three incidents to</p> <p>5 Larry or just --</p> <p>6 A I verbally, face to face, reported them to</p> <p>7 Larry.</p> <p>8 Q All three incidents?</p> <p>9 A All three incidents.</p> <p>10 Q Did you have one conversation where you</p> <p>11 reported all three or --</p> <p>12 A No. I had three different conversations</p> <p>13 with him.</p> <p>14 Q Where did you -- where did your</p> <p>15 conversations take place?</p> <p>16 A One was in my shipping office, one I went</p> <p>17 over to his shipping office, and one was back there</p> <p>18 at the other end of the warehouse out on the floor.</p> <p>19 Q What did he say?</p> <p>20 A Kuli, how many times do I have to tell you,</p> <p>21 as long as you work here, I cannot do nothing about</p> <p>22 it, and he is not going to stop doing things to you.</p> <p>23 And that's what --</p> <p>24 Q Anybody else you reported that to?</p> <p>25 A I thought plant manager was top dog besides</p>	<p>Page 85</p> <p>1 employee meeting being held when RockTenn merged</p> <p>2 with Mead Westvaco and they became WestRock?</p> <p>3 A I remember some meetings. I mean, you know,</p> <p>4 they had meetings all the time.</p> <p>5 Q Well, they sent somebody from corporate to</p> <p>6 talk with everybody, with the employees.</p> <p>7 A I don't know if I remember that meeting.</p> <p>8 Because Keith Hall is the one that I heard it from.</p> <p>9 Now, I'm not saying it didn't happen.</p> <p>10 Q Okay. So there might have been a meeting.</p> <p>11 You sitting here today just can't remember it?</p> <p>12 MS. COLLINS: Objection to form.</p> <p>13 THE WITNESS: I could have been on</p> <p>14 vacation.</p> <p>15 BY MS. DOHNER SMITH:</p> <p>16 Q Okay.</p> <p>17 A I just -- you know, I knew we was merging</p> <p>18 with somebody because rumors were going around</p> <p>19 everywhere.</p> <p>20 Q So, the summer of 2005, you don't remember</p> <p>21 anybody from corporate coming out and doing a</p> <p>22 program?</p> <p>23 A No, I do not.</p> <p>24 Q Okay.</p> <p>25 A I just remember the HR and that Tom Pedine</p>

<p>Page 86</p> <p>1 in that office, when I was telling the story about 2 what happened, and Tom Pedine saying, well, if you 3 was that scared of him and didn't like it, why 4 didn't you go get another job? And so that's when I 5 made a decision that I can't get anything done, I 6 need to go talk to somebody. 7 Q What do you mean, you can't get anything 8 done? 9 A Because I reported every incident to every 10 management there was, and nobody would do anything 11 about it. 12 Q Well, after you reported it to Tom Pedine 13 and corporate HR, Tommy got fired, right? Tommy is 14 no longer employed, correct? 15 A He's not employed, but I don't know if it's 16 because of me or not. 17 Q Well, the first time you ever told anybody 18 from corporate, corporate HR, Tom Pedine, about 19 these incidents, about Tommy, it was August of 2016, 20 correct? 21 A If I – what's in my notes. 22 Q Well, do you have – did you take notes from 23 that day? 24 A When Terri, whoever that Terri girl is, 25 called me on the phone and started asking me</p>	<p>Page 88</p> <p>1 reported to corporate HR and somebody above Tommy, 2 Tommy is no longer employed. 3 MS. COLLINS: Objection to form. 4 BY MS. DOHNER SMITH: 5 Q Correct? 6 A Correct. 7 Q All right. Any other times that Tommy 8 pulled down his zipper, told you to suck his dick? 9 A I remember them incidents. 10 Q Okay. Any others you remember? 11 A Of the zipper that's – you know, that's all 12 I can remember of them, of the zipper. 13 Q Okay. Anything else Tommy did to sexually 14 harass you? 15 A I'd be at my desk and he'd come sneak up 16 behind me and reach his hand down and grab a handful 17 of my balls and squeeze them hard as he could until 18 I couldn't breathe. 19 Q All right. Anything else that he did to 20 sexually harass you? 21 A Come up behind me and he'd kick me so hard I 22 come off the ground and can't breathe, and then 23 threaten to fire me because I'm on the ground, can't 24 breathe. Kick me so hard where it flipped me over 25 the desk and then threatened to fire me. I got</p>
<p>Page 87</p> <p>1 questions, and I told her the story, and then when I 2 come back to work and I come down and had a meeting. 3 And like I said, I'm telling them the story about 4 all of these years, everything what's happening, 5 nobody has done anything about it. Then he came in 6 and then he made the statement, you know, well, why 7 didn't you go get another job if you was that scared 8 of him and all of that. 9 Q I'm asking, is this about August of 2016? 10 A It could be. 11 Q Okay. 12 A Could be. 13 Q And then a couple of weeks later, Tommy was 14 no longer employed at WestRock, correct? 15 A Correct. 16 Q Do you know why Tommy is no longer employed 17 at WestRock? 18 A No, I do not. 19 Q But shortly after you reported these 20 incidents, he was no longer employed, correct? 21 A Well, the way I look at it, eight years I 22 reported it to management and done and – but when 23 it got reported then, apparently he was dismissed 24 for some reason. 25 Q Okay. So, shortly after you finally</p>	<p>Page 89</p> <p>1 about two seconds to get up and couldn't catch my 2 breath. 3 Q Anything else? 4 A Always talking about sucking his dick and 5 all that, or he was talking about why don't you stay 6 over today and let me – you know, going home, I'm 7 going to screw your wife a while, and all this. 8 Kicking me, punching me, hitting me, would grab 9 my – grabbing me personally is sexual to me. I 10 don't want another man touching my privates. 11 Q All right. Let's go through these. 12 So you said that he grabbed – grabbed or 13 squeezed your balls. He kicked you from behind so 14 hard you fell to the ground. 15 Did he kick you and make you fall over the 16 desk or – 17 A I was standing up like this (indicating), 18 ma'am, doing paperwork, doing a bill. Apparently 19 snuck in the room and he come running across, and 20 his left foot – foot come between my legs, caught 21 me right there and hit me so hard it flipped me over 22 my desk into the floor. Knocked the computer off 23 and everything. Lay me out in the floor where I 24 couldn't breathe or couldn't do anything. 25 Q All right.</p>

<p>Page 90</p> <p>1 A He had all – lumped up and everything else. 2 Q All right. And we're going to go through 3 each of these. I'm just trying to make sure we have 4 all of them out. 5 You said he told you to suck his dick. Was 6 that outside the context of him pulling down his 7 zipper? 8 A Yeah. There was a lot of times he told me 9 to suck his dick, you stupid motherfucker, all of 10 that, without grabbing the zipper, being there at 11 the bathroom. 12 Q So he'd say suck my dick, you stupid 13 motherfucker – 14 A Yes. 15 Q – or were those separate? He'd say suck my 16 dick and call you – 17 (Overlapping speech.) 18 A No. It would be the same sentence. Be the 19 same sentence. I'm sorry for the language. 20 Q I've heard it all before. 21 What was the – what was – you said 22 something about going home and screwing your wife. 23 What was that? 24 A He was always trying to make me mad, saying 25 or teasing, or however he wants to play it, always</p>	<p>Page 92</p> <p>1 Q You have documents wrote down at the house 2 of times and dates? 3 A And – 4 Q Hold on. Do you have at your house 5 documents where you've gotten written down times and 6 dates of incidents? 7 A I've turned them in. 8 Q Who did you turn them in to? 9 A My attorney. 10 Q Okay. Have you given your attorney all the 11 documents that have times and dates of incidents – 12 (Overlapping speech.) 13 A The ones that was left, yes. The ones 14 that – there was 68 that we got – was disappeared. 15 I couldn't give them any of them because I couldn't 16 remember them. 17 Q What did you – where did you keep these 18 notes? 19 A In my desk in a folder that I bought of my 20 own, but it was company desk. 21 Q What do you mean, they disappeared? 22 A I was out with my back. I come back, 23 everything that was in my desk – they said they was 24 moving me to a new office, and they packed my stuff 25 up and moved it. And all the boxes that they packed</p>
<p>Page 91</p> <p>1 talking about, you know, why don't you make sure you 2 stay over a little bit, load the truck, or get your 3 guys to load the truck so I can go home and fuck 4 your wife for a while like I usually do. Trying to 5 make me mad, which it did upset me. 6 Q Okay. Anything else he did to sexually 7 harass you? 8 A Smack me on the ass, grab my balls. I don't 9 know what else. 10 Q Anything else that you believe he did that 11 was sexually harassing to you? 12 A I guess not, ma'am. I mean, I don't know. 13 Q All right. Let's talk about, you said he 14 grabbed and squeezed your balls. When did that 15 happen? 16 A First year all of this started I guess would 17 be about nine years ago, I'd say approximately. 18 Without my documents being 100 percent accurate, I 19 can't help it, but... 20 Q What documents do you have? 21 A I had a bunch of documents that they got in 22 my desk and shredded. I mean, I know I had 23 68 documents besides the ones I have wrote down at 24 the house of times, dates – 25 (Overlapping speech.)</p>	<p>Page 93</p> <p>1 up, apparently somebody threw them in the dumpster, 2 or something like that. Must have thought they was 3 trash. And it was all – it was everything I – you 4 know, it was all my job stuff, all my documents. 5 Not just of this. It was everything to do my job 6 with and everything, phone numbers and – 7 Q When did this happen? 8 A Four years ago. 9 Q You make me do math, that's not very nice, 10 especially when I'm not feeling good. 11 A I don't meant to do it. I mean, I – 12 Q So, is that – so, we're 2017 right now. 13 A Okay. So – 14 Q Four years ago from now or four years ago 15 from like when Tommy left? 16 A No. Four years from now. 17 Q Okay. So we're talking 2013. 18 A Yes, ma'am. 19 Q Okay. When did you start documenting 20 incidents with Tommy? 21 A Probably after the tenth or twelfth kick and 22 punch and playing, and calling me stupid 23 motherfucker and all that, I started documenting – 24 I call it drop kicks and the grabbing of the 25 privates is when I started documenting.</p>

<p>Page 94</p> <p>1 Q How many years do you think you were 2 documenting? 3 A No less than seven years. I had 68 that I 4 thought was real good documents, but, you know, I – 5 Q Why did you start documenting these 6 incidents? 7 A I can't honestly say that, except that, you 8 know, one day I thought I might need it if I got 9 fired for something or for whatever reason. That's 10 the only way I know how to answer that, is – I know 11 that wasn't the right thing to be done, to be done 12 to you. So I started writing it down and who was 13 there and where it happened and the date it 14 happened. So I started documenting it. 15 Q But prior to August of 2016, you never sent 16 those documents to corporate, anyone at corporate 17 WestRock? 18 A No, ma'am, I did not. I gave corporate the 19 documents I had in that meeting that day. 20 Q Let's go back and talk about the grabbing 21 and squeezing of the balls. When did that first – 22 how many times has that happened? 23 A Like I said, I can't 100 percent be 24 positive, but I'm going to say over an eight-year 25 period, 192 times that I was either grabbed,</p>	<p>Page 96</p> <p>1 A Dr. Ferland, Robert Ferland. 2 Q So you went to him and told him, I've been 3 grabbed in the balls, I need to be checked out? 4 A I had to pull my pants down, let him see how 5 swelled up I was. One of my testicles was swelled 6 up so bad that I had to go home, put something out 7 of the freezer on them or a bag of ice or something. 8 He wanted to know how long – you know, how often 9 this happened, and I said it's been going on and so 10 on and so on. 11 Q So that would be reflected in your medical 12 records from Dr. Ferland? 13 MS. COLLINS: Objection to form. 14 THE WITNESS: I would – I'd say so. I 15 mean, I discussed it with him. Now, whether, you 16 know... 17 BY MS. DOHNER SMITH: 18 Q So the grabbing of the balls, we have three 19 to four times in January of 2016, five times in 20 2015, one time in 2014. Any other times you can 21 remember? 22 A Not of the grabbing and just squeezing as 23 hard as I can. 24 Q So tell me about the one time in 2014. 25 A In the shipping office where I'm stationed</p>
<p>Page 95</p> <p>1 punched, hit in the face, hit with a stick, or 2 grabbed in the balls or kicked in my balls. 3 Q I'm talking about the grabbing or squeezing 4 of your balls specifically. 5 How many times do you think that took place 6 where Tommy Whited grabbed or squeezed your balls 7 with his hand? 8 A Probably 35. 9 Q When did it start? 10 A Be nine years ago, because he's been gone a 11 year. 12 Q So in 2008 it started? 13 A Yes. 14 Q Do you remember any specific incident of 15 when he actually grabbed or squeezed your balls? 16 A I think there's three or four in January of 17 2016. 18 Q All right. Any other specific incidences 19 you remember? 20 A There was one 2014. There's probably five 21 2015. Ones that I – just right off the top of my 22 head, I had to go to the doctor a couple of times 23 over him grabbing, squeezing me so hard, so I'm 24 trying to remember the dates of that. 25 Q What doctor did you have to go to?</p>	<p>Page 97</p> <p>1 now, I got up – my desk is here (indicating). I 2 got up to go over to get some bills off the printer 3 or whatever. He was real bad about sneaking in the 4 door real quiet or whatever, because the truck 5 drivers are so noisy, in and out. 6 He come up, went around like this 7 (indicating), and he just grabbed a handful and just 8 squeezed me until I went to my knees and was begging 9 to please quit. And, of course, I couldn't breathe 10 for a few minutes. I don't know if it's the same 11 thing for females, but it doesn't feel good. All I 12 get is a big laugh out of the deal and get 13 threatened to get fired if you don't hurry up and 14 get up and get back to work. 15 Q Did you report that incident, the 2014 16 incident, to anybody in management? 17 A Most of management was watching most of 18 these. 19 Q I'm talking about this specific incident 20 that you just explained where you were in the 21 shipping office, he came in, he reached around you 22 and grabbed your balls with his hand. 23 A I don't know particular about that one, if I 24 called Larry Eden or not. 25 Q Okay.</p>

<p>Page 98</p> <p>1 A I'm not going – 2 (Overlapping speech.) 3 Q Did anyone witness it? 4 A I think Willie White was in there. I think 5 Donnie Taylor was in there, I believe. 6 Q Did you report this incident to anybody 7 outside of Gallatin? 8 A No. 9 Q All right. The five incidents in 2015, take 10 me through each of those. 11 A One of the incidents, I was out on the 12 floor, either counting product or something, when he 13 snuck up behind me and grabbed me and just held on 14 until I about cried or teared up, however you 15 want – people think is funny and think I did it. 16 But I went down to my knees, of course, and 17 leaned on the bales of boxes that we make. And 18 after he had his little fun of cussing me and 19 calling me a pussy and this, that, and the other, I 20 finally got up and wobbled to the shipping office 21 and tried to continue to do my job. 22 Q All right. Did you report that incident to 23 anybody? 24 A No, I did not. 25 Q All right. What's the second time it</p>	<p>Page 100</p> <p>1 of the grabbing? 2 A I think I was – I was out counting product 3 that I have my tow motor drivers stack up out – and 4 there's aiseways that you go through to count, and 5 this, that, and the other. And he snuck up and 6 jumped me and squeezed a handful. And I believe 7 Donnie Taylor was on the tow motor coming by and 8 stopped and saw him. And I can't remember if Tommy 9 Davis – I don't think it was Tommy Davis. I think 10 it was just Donnie Taylor. 11 Q When did that happen? 12 A I'm going to say somewhere around – 13 wouldn't have been the first week of April. I'd say 14 it might have been the second or third because a lot 15 of times, you know, inventory is first of the month. 16 Q Did you report that incident to anybody? 17 A I can't honestly say if I did or not. I 18 want to say, no, I don't remember reporting that 19 one. 20 Q Okay. Fourth incident where he grabbed your 21 balls in 2015. 22 A I think we was out on the floor, going 23 over – I was getting a butt chewing over something. 24 When I turned my back, he grabbed a handful, pulled 25 me down on the ground. And, yes, there was probably</p>
<p>Page 99</p> <p>1 happened in 2015? 2 A I was out counting product out on a pallet 3 out there. Tracy Duncan was with me. He come up 4 behind me again, like always, and reached – come 5 through like that (indicating), and reached up under 6 between and grabbed a handful and squeezed as hard 7 as he could squeeze until I go down. Just called 8 me – loved to call me a pussy or a stupid 9 motherfucker. That's his favorite language he loved 10 to call me. I reported that one to Larry. 11 Q When did that one happen? 12 A Probably the second week of – I want to say 13 it was March, but I'm – the second week of March I 14 think. 15 Q That's fine. I won't tie you down. 16 Do you remember when the first incident when 17 you were out on the floor happened, a general time 18 period? 19 A Probably in February, if I'm trying – you 20 know, usually separate it out. 21 Q What about the next time in 2015? Did you 22 report that incident to anybody else other than 23 Larry? 24 A No. 25 Q Okay. What about the third incident in 2015</p>	<p>Page 101</p> <p>1 witnesses. Terry Stafford, supervisor; J.C. Cox, 2 which was the maintenance supervisor; Susan Hart, I 3 think, was around. And I told Larry, you know, I'm 4 sick of it, I'm sick of it. 5 Q What did Larry say? 6 A He said, Kuli, you know, if you – as long 7 as you're working at this company, he's going to 8 continue harassing you or grabbing you or hitting 9 you or doing something to you as long as you're 10 here. 11 Q He said he's going to continue harassing 12 you? He used the word harassing? 13 A Yes. He said he's going to continue 14 harassing you, cussing you, kicking you, grabbing 15 you, hitting you. He's going to continue doing 16 everything to you as long as you work here. 17 Q Anybody hear you make that report? 18 A I think Terry Stafford, and I believe 19 J.C. Cox both heard that. 20 Q Okay. Did you report that to anybody 21 outside of Gallatin? 22 A No, ma'am. 23 Q What about the fifth time in 2015? 24 A It's probably later on, somewhere around 25 maybe August. That one, the best of my</p>

<p>Page 102</p> <p>1 recollection, would have been in the shipping 2 office, grabbing a – he grabbed my – a handful of 3 balls, and I was trying to jerk away and he just – 4 when he went to let go, he slung me like that and I 5 flipped over a chair and went upside down up against 6 the wall. 7 There was probably Willie White, Donnie 8 Taylor, Terry Stafford, and J.C. Cox, and the white 9 staffing woman that has an office next to me. They 10 was all in there when he did that. I think it was 11 Heather in there. 12 Q Did you report that incident to anybody? 13 A I figured there was two supervisors sitting 14 there. So, no, I can't say that I did. 15 Q Did you report it to anybody outside of 16 Gallatin? 17 A No, I did not. 18 Q Let's talk about the three to four times you 19 said it took place in January of 2016. Tell me what 20 you remember of the first incident. 21 A One of them was around the 16th, something 22 like that, in the shipping office doing bills. I 23 was leaning over. A lot of times it's quicker to 24 stand up and try to do something real quick, a bill 25 on the computer. Donnie Taylor was with me.</p>	<p>Page 104</p> <p>1 no, I did not. No. 2 Q You said he called you a stupid fucking 3 Polak. Did you report that to somebody? 4 A Just every management man there is, at 5 either facility, because he did it in front of all 6 of them, and – 7 Q Well, who – 8 A – I did rephrase – you know, Tom, I don't 9 like – you know, I don't like that, and he said, I 10 don't give a fuck what you like. If you don't like 11 it, I can fire you and you can get out of here. So 12 that's how it was phrased to me. 13 Q Who did you report it to? 14 A Larry – you know, Larry Eden – going down 15 the chain of command, you've got the general 16 manager, which is Tommy Whited, Larry Eden, which is 17 plant manager. 90 percent of the time I reported 18 all of my stuff to the plant manager, which is Larry 19 Eden. 20 Q I'm asking you who you reported Tommy 21 calling you stupid fucking Polak to. Was there a 22 person, a member of management that you reported 23 that to? 24 A Larry Eden. 25 Q Okay. When did you report that?</p>
<p>Page 103</p> <p>1 He snuck in. Apparently there was a 2 broomstick in the corner, and he took that and just 3 swung it between my legs and caught me in my 4 privates. He took the stick and he hit me across 5 the back, and I think he hit me across my jaw area 6 right here (indicating). Cussed and called me names 7 like always. 8 If you want the exact words, it was 9 mostly – 99 percent of the time it was called, you 10 stupid motherfucker, get up and get back to work 11 before I fire you. And he loved calling me a stupid 12 fucking Polak. 13 And I'm sorry, ladies, I have to use 14 language like that. My mother – I'm not 15 disrespecting y'all, but that's what he said. 16 Yeah, I am Polish, and I didn't particularly 17 care about being called a stupid fucking Polak all 18 the time either, and told him, reported it to him, 19 and everybody else about that. So I didn't like it, 20 but it didn't stop nothing. I did not report it to 21 anybody outside of Gallatin. 22 Q All right. The incident on January 16th, 23 2016, did you report that specific incident to 24 anybody? 25 A Just the ones that was in there. I mean,</p>	<p>Page 105</p> <p>1 A It probably go back to maybe starting 2015 I 2 started reporting it to him. 3 Q How many times did you report to him that 4 he – that Tommy called you stupid fucking Polak? 5 A I'd say ten times in 2015 – bless you. 6 Q Thank you. 7 A At least 20 times 2013. I don't think I got 8 to '14. 9 Q So 20 times in 2013 you reported to Larry 10 Eden he called me a stupid fucking Polak? 11 A He was standing there most probably 12 three-quarters of them when he did it, so... And 13 yes, the ones he didn't, I did. 14 Q But how was it – where did this happen? 15 You work at the fulfillment center. 16 A A lot of times I had to go over there for – 17 (Overlapping speech.) 18 Q You're rarely at the other facility. And 19 you said Larry is only over there once every three, 20 four months? 21 A Unless Tommy called him over here about a 22 mess or about something wrong with shipping or 23 whatever. 24 A lot of times I took paperwork. I drove 25 myself over to the plant to take paperwork or to</p>

<p>1 pick up paperwork or whatever, which happened a lot. 2 Q Well, where was Tommy? 3 A Tommy would either be at the plant or be at 4 fulfillment. He'd go back and forth. 5 Q All right. So, where were you when he 6 called you stupid fucking Polak 20 times in 2013? 7 A I'm going to say probably five of them at 8 the plant and fifteen of them in the warehouse. 9 Q Okay. So, which ones did Larry Eden observe 10 himself? 11 A I know he observed one -- observed one at 12 the plant because he was sitting there. 13 Q Okay. 14 A Keith Hall was sitting there one of them. 15 Q Okay. Any other times that Larry or Keith 16 heard him call you stupid fucking Polak? 17 A I mean, I -- off the top of my head, I can't 18 tell you a specific date that they did or didn't. 19 He called me so many names and called me that so 20 many times, I don't know how anybody could not hear 21 it. 22 Q All right. Do you remember -- 23 A I'm trying. 24 Q -- any specific incident where you reported 25 to Larry in 2013, he called me stupid fucking Polak?</p>	<p>Page 106</p> <p>1 A Helen Kendall heard it, standing there when 2 I was up doing paperwork, getting paperwork for her, 3 taking it over there for whatever reason, which we 4 thought -- I thought was human resource. 5 Q Anybody else? Anyone that you would have 6 reported it to? 7 A Michael White has heard him talk to me like 8 that. 9 Q Anybody -- 10 A Keith Hall. And me telling Tommy directly 11 that I do not like that. Larry Eden. 12 Q Did you report it to anybody? Or you're 13 just -- 14 A Not outside of Gallatin. 15 Q Okay. Other than Larry, did you actually 16 report it to anybody and call them and say, hey, I 17 don't like this, or walk up and say, hey, he called 18 me this, I want him to stop? 19 A I guess I have to answer no, because that's 20 the only way I know how to answer that because I 21 don't remember specifically -- specific dates. 22 After you get -- never mind. 23 Q All right. So, we're talking about the 24 three to four times in 2016 where Tommy grabbed you 25 or hit you in the balls. We've got the one incident</p> <p>Page 108</p>
<p>1 A Date-wise, I can't say I did. But, I mean, 2 I reported it to him, you know, probably on the 3 phone or -- you know, we used to fish tournaments 4 together and stuff on weekends. A lot of times I'd 5 try to talk to him out at the tournament fishing, 6 too. I was in the club tournaments. 7 Q How many times did you tell Larry that he 8 called you stupid fucking Polak? 9 A I don't know, ma'am. I'm going to say 40. 10 Q Forty in 2013? 11 A No, ma'am. I'm going to say 2013 -- I was 12 trying to just say, you know, give it the best 13 figure I can, because I can't come up with exact 14 dates and try to say 40 in that year period. 15 Q Are you meaning that that's how many times 16 Tommy did it or you reported to Larry 40 times he 17 called me stupid fucking Polak, he called me stupid 18 fucking Polak? You called him 40 times to say -- 19 A I probably called Larry at least 20 times, 20 told him he called me a stupid fucking Polak. 21 Q Okay. Did you report it to anybody outside 22 of Gallatin? 23 A No, ma'am. 24 Q Did you report it to anybody else other than 25 Larry?</p>	<p>Page 107</p> <p>1 now on January 16th, about, in the shipping office 2 where he hit you with the broom. 3 Any other incidents in 2016 you remember? 4 A I'm trying to think of the date and where I 5 was at. I'm sorry I'm taking so long. 6 Q It's okay. 7 A It's just, you know... 8 MS. DOHNER SMITH: Do you want to take 9 a break? It's actually -- do you want to grab some 10 lunch? It's actually almost 1:00. Do you want to 11 take a break and grab some lunch? 12 THE WITNESS: I just need to get some 13 fresh air just for a minute, please. 14 MS. DOHNER SMITH: All right. Let's go 15 ahead and take a break quick. 16 VIDEOGRAPHER: We're going off the 17 record. The time on the monitor is 12:48 p.m. 18 (Lunch recess observed.) 19 VIDEOGRAPHER: We are back on the 20 record. The time on the monitor is 1:26 p.m. 21 BY MS. DOHNER SMITH: 22 Q Mr. Kulakowski, I'll remind you that you're 23 still under the oath that you gave at the outset of 24 your deposition. Do you understand that? 25 A Yes, ma'am.</p> <p>Page 109</p>

<p>Page 110</p> <p>1 Q Is there anything from your previous 2 testimony that you need to change or revise? 3 A No, ma'am. 4 Q I think just before the break, I had asked a 5 question about the, I think, grabbing or squeezing 6 of the balls incidents in 2013, and you had gone 7 through one of those incidents that took place in or 8 about January of 2016, around the 16th of January. 9 And I had asked you to tell me about the second 10 incident. 11 A I think it was the 28th of January, 2016, 12 there was an incident in the shipping office. It 13 wasn't grabbing me. It was kicking me very hard. 14 And there was Tommy Davis, Donnie Taylor, I know 15 them two were in there when that incident happened. 16 Q Okay. So explain that incident for me. 17 A I was standing up, leaning on my desk, doing 18 papers, and the shipping office door is back here 19 (indicating), with truck drivers in and out and all, 20 he sneaks in and comes up behind me and he takes 21 like a three step running start and a foot come 22 between my legs, and it – I mean, it hurt so bad 23 that I think that particular time I went on the desk 24 and then bounced off onto the floor, concrete floor. 25 Of course, got told, you've got seconds to get up</p>	<p>Page 112</p> <p>1 me, and I come over there, yes, sir, yes, sir. And 2 he was telling me about something straight, getting 3 my guys straightened up, or whatever, and he went 4 back like that (indicating), and slapped me. That 5 was a favorite thing of his, too – 6 (Overlapping speech.) 7 Q So he went – 8 A Like this (indicating). 9 Q Like he backhanded you – 10 A Backhanded me in the privates. 11 Q – in the groin area – 12 A Yes, ma'am. 13 Q – with his hand? Okay. 14 A And I think Donnie Taylor was there on the 15 tow motor, Willie White, and Tommy Davis was all 16 right in that vicinity. And I don't recall 17 reporting that one either to Gallatin or... 18 Q All right. Was there any other incident, 19 then, in 2016? You've told me three, but you said 20 there might be three or four. 21 A I think it was just three, ma'am – 22 Q Okay. 23 A – in that month there. 24 Q Okay. Any others in 2016? We had gone 25 through the grabbing and squeezing of balls.</p>
<p>Page 111</p> <p>1 and get your ass back to work or I'm firing you. 2 I heard the firing word for – I don't know, 3 3,000, 4,000 times or something, but I was still 4 terrified of it. 5 Q All right. So did you report this incident 6 in or about January 28th to anybody? 7 A Not outside of Gallatin. 8 Q Okay. Did you report it to anybody at 9 Gallatin? 10 A I don't recall reporting that one, ma'am. 11 Q Okay. All right. So that's a second. You 12 said there were three or four. What's the next one 13 you remember? 14 A There had to be just three. 15 Q Okay. 16 A Because I know the 16th was one, the 17 28th was one. I want to say the third one would 18 have had to have been before then, the first week 19 of – somewhere right in the first or up in there. 20 Q Okay. So first week of January? 21 A Somewhere right up in that first few days of 22 January. 23 Q Okay. 24 A Actually, the best of my memory, ma'am, I 25 was on the floor. When he come by, he hollered at</p>	<p>Page 113</p> <p>1 A Right. 2 Q That was kind of one category. We got some 3 other incidents in there. Any other incidents of 4 grabbing or squeezing your balls that you recall? 5 A I think, if I'm correct, ma'am, that the 6 grabbing and the squeezing with the hand physically, 7 I think we've covered it. 8 Q Okay. So the second thing, then, was kicked 9 from behind and made you fall to the ground. 10 A Yes, ma'am. 11 Q Okay. So, let's kind of do the same thing. 12 Tell me 2000 – you know, when did that start and 13 tell me the years and how many happened each year 14 and we'll go through them each. 15 A If I'm correct, I'm pretty sure I think 16 2013, if my math is correct. Let's see, that's not 17 early enough. Let's see. 18 Probably 2009, probably in January. 19 Q Okay. Any times in 2010? 20 A I want so say there's probably, without 21 telling a lie, five. 22 Q Five in 2010? 23 A Yes, ma'am. 24 Q How many in 2009? 25 A I'm honestly wanting to tell you three,</p>

<p>Page 114</p> <p>1 ma'am. 2 Q Okay. 2011? 3 A Seven. 4 Q 2012? 5 A Six. 6 Q 2013? 7 A I'm sorry. I'm trying to count on my 8 fingers to keep things. Started building up a 9 little bit then. I want to go eight. 10 Q 2014? 11 A In the whole year, 12. 12 Q 2015? 13 A Probably ten. 14 Q 2016? 15 A Couldn't be -- it couldn't no more than 16 three, because he got terminated somewhere around in 17 there. 18 Q Let's kind of work backwards. 19 A Okay. 20 Q Tell me about the incidents of kicking -- 21 kicking in 2016. 22 A There's one incident somewhere around 23 January 2016, 22nd, somewhere in there. There's a 24 picnic table outside the shipping office right by 25 the gate. When it's warm weather, we would -- my</p>	<p>Page 116</p> <p>1 get me to take that shipping job. 2 Q Did you report it to anybody else? 3 A No, ma'am. Not outside of Gallatin, no, 4 ma'am. 5 Q All right. You said there were three. So 6 what are the other incidents in 2006? I mean, 2016. 7 I'm sorry. Thank you. 8 A I thought -- the other two was in the 9 shipping office, when I was doing the paperwork. 10 Q Are those the ones you already told me 11 about? 12 A Yes, ma'am. 13 Q Okay. 14 A I'm sorry. Yes, ma'am, that's the ones I 15 was talking about. 16 Q Okay. All right. So 2015. Tell me any of 17 the incidences you recall from 2015. 18 A In '15, I'm going to say that I probably 19 had, in the total of the ones in '15, probably three 20 of them were the kicks. 21 Q Okay. 22 A And the other ones were, that I haven't 23 discussed about him grabbing my privates, was the 24 backhand slap that he liked to do. 25 Q Okay.</p>
<p>Page 115</p> <p>1 shipping guys would eat right there. 2 And Michael White, Terry Stafford, myself 3 were discussing a project coming, and Tommy come 4 around and parked his truck and got out and was 5 talking, and I got up and was fixing to go back in 6 or something, because I didn't feel like something 7 happening, and before I could even get going, he 8 come running up behind me real quick and he kicked 9 me, and I went down on the gravel and couldn't catch 10 my breath. Of course, the men at that table were 11 more or less to me all supervisors. 12 Q Did you report that incident to anybody? 13 A Just Larry. But I felt like, you know -- 14 Q What did you tell Larry? 15 A I told Larry that I'm sick and tired of him 16 kicking me in my privates, drop kicking me down 17 where I can't breathe, and then threatened to get 18 fired over that. And for the hundredth time, his 19 response would be, Kuli, as long as you work here -- 20 or he phrased it this time, as long as you work here 21 or he works here, it's going to continue happening. 22 And I'm like, I just can't take much more of this. 23 And I walked off. 24 He was at the warehouse that day. That was 25 when they was trying to get me set up or trying to</p>	<p>Page 117</p> <p>1 A Which still hurts very badly. But -- 2 Q Let's talk about the three kicks. Tell me 3 about those. 4 A Coming up behind me, kicking me where it 5 lifts you six -- you know, I weigh 230 pounds. I'm 6 a pretty large man. But when you can lift me four 7 to five inches off the ground, by a man kicking you 8 right there, it takes everything you've got. I'm 9 not a weak man or a sissy man, but it takes 10 everything I've got to catch my breath and get up 11 and try to continue doing my job and not do 12 something, hit him back or something like that. 13 You know, my biggest thing that I'm proud of 14 is I never did touch this man ever, the whole time I 15 was there. And as surprising it sounds, I would try 16 to kill myself to please him. It didn't matter what 17 kind of job he gave me to do, I tried to do 18 everything to please him like I would my own father 19 if he was alive. Even after the treatment he would 20 give me, I would go do everything I could to make 21 sure that I did a good job for him. I don't know 22 why. It could be strange. I'm sorry, but I'm just 23 telling you the truth. 24 Q I'm just trying to kind of figure out the 25 facts of the --</p>

<p>Page 118</p> <p>1 (Overlapping speech.)</p> <p>2 A I understand. But I just –</p> <p>3 Q Do you recall any of them sitting here</p> <p>4 today, so you could say where you were and what</p> <p>5 happened?</p> <p>6 A 90 – 80 to 90 percent of the kicks or the</p> <p>7 hits or anything were near my shipping office or in</p> <p>8 my shipping dock area. With the new contract of GE</p> <p>9 at the other end of the facility where Susan Hart's</p> <p>10 office was, and when them two would come out on the</p> <p>11 floor and come down there, that's when he would do</p> <p>12 most of his abuse, somewhere in that vicinity of my</p> <p>13 shipping office and in front of my docks right</p> <p>14 there.</p> <p>15 Q The three times that he kicked you in the</p> <p>16 groin in 2015, did you report those incidents to</p> <p>17 anybody, those specific incidents?</p> <p>18 A Larry, of course I've told Keith Hall about</p> <p>19 one of them in '15.</p> <p>20 Q Okay.</p> <p>21 A I considered him – I'm not exactly sure</p> <p>22 what his title was then, but he always was a big</p> <p>23 wheel because he's been there for years.</p> <p>24 Q Did you tell Larry about all three</p> <p>25 incidences or just –</p>	<p>Page 120</p> <p>1 times in 2015 to anybody outside of Gallatin?</p> <p>2 A Not outside of Gallatin, no, ma'am.</p> <p>3 Q Okay. Did you report it to anybody else in</p> <p>4 Gallatin?</p> <p>5 A Michael White was a witness to a lot of</p> <p>6 these incidents.</p> <p>7 Q Okay. Is there anybody else you reported it</p> <p>8 to, that you said, you know, he's doing this, he's</p> <p>9 harassing me, he's hurting me, whatever it may, I</p> <p>10 want it to stop, other than Larry?</p> <p>11 A Just Tommy himself. You know, I told Susan</p> <p>12 Hart, Larry, and Michael White. Even Helen Kendall,</p> <p>13 who was HR when I was there doing something, getting</p> <p>14 paperwork, she knew me and she knew how I was being</p> <p>15 treated. And of course, I thought she was HR. And</p> <p>16 of course, she says, you know, I can't do nothing</p> <p>17 about it. I was kin to him by marriage, and anybody</p> <p>18 that says anything bad about him, Michael, he's</p> <p>19 going to fire, and said, why do you think he's done</p> <p>20 this for so many years. Because apparently it went</p> <p>21 on long before I ever got there. That's what I was</p> <p>22 told.</p> <p>23 Q So Helen – what exactly did you report to</p> <p>24 Helen? One of these –</p> <p>25 A Helen Kendall –</p>
<p>Page 119</p> <p>1 A I know I told him about one of them, ma'am.</p> <p>2 Q Okay.</p> <p>3 A I can't tell you that I told him about all</p> <p>4 three. I know I told him one of them.</p> <p>5 Q And what was Larry's response? The same?</p> <p>6 A He just shook his head. He just didn't say</p> <p>7 nothing. He just said – he just...</p> <p>8 Q What about Keith Hall? How did he respond?</p> <p>9 A There's the incident that happened in</p> <p>10 Larry's office with Keith Hall in it and another</p> <p>11 supervisor, Billy Eden. And Tommy Whited was in</p> <p>12 there. And he punched me like with his fist in my</p> <p>13 groin. Of course I dropped, and they all just</p> <p>14 started laughing, thought it was funny and stuff.</p> <p>15 I was at – I was at the plant at that time.</p> <p>16 They needed me over there to go over some shipping</p> <p>17 stuff. I guess the response was getting laughed at.</p> <p>18 Q Okay. So you didn't tell Keith Hall, I</p> <p>19 don't – you know, I'm being harassed or he's hurt</p> <p>20 me, I want him to stop? Keith Hall –</p> <p>21 A Not that particular time.</p> <p>22 Q – he witnessed it.</p> <p>23 And was that one of the three times in 2015?</p> <p>24 A Yes, ma'am.</p> <p>25 Q Okay. Did you report any of those three</p>	<p>Page 121</p> <p>1 Q – three incidents in 2015?</p> <p>2 A I reported to Helen Kendall in 2015 that</p> <p>3 Tommy multiply kicks me in my groins and cusses me</p> <p>4 and calls me a stupid fucking Polak and all this.</p> <p>5 And she just says, you know how he is, and that's</p> <p>6 the only response I would get.</p> <p>7 And so, I thought, well, okay, you're HR.</p> <p>8 And Helen said, well, you know how he is, Michael.</p> <p>9 Or they called me Kuli. I'm sorry. I did not</p> <p>10 report it outside of Gallatin.</p> <p>11 Q She said, though, I can't do anything about</p> <p>12 it because I'm kin to him?</p> <p>13 A Yes. And I'd get fired, just like anybody</p> <p>14 else. Of course, she did tell me – she just</p> <p>15 retired here, I think before he got – at her going</p> <p>16 away party, she says, if you ever do anything about</p> <p>17 this, please tell them to call me because I can tell</p> <p>18 them all about it now. Once my retirement's in,</p> <p>19 they can't take it back away from me.</p> <p>20 Of course, in a way, I was happy she was</p> <p>21 retiring, but I was thinking, well, you know, you</p> <p>22 could have did something a long time ago, a lot of</p> <p>23 this probably wouldn't have happened if you'd –</p> <p>24 that's my opinion, nobody else's.</p> <p>25 Q So, Mike White, was it one of these</p>

<p>Page 122</p> <p>1 incidences that you reported to him in 2015, or when 2 did you – 3 (Overlapping speech.) 4 A He was there – he was at that picnic 5 table – 6 Q Okay. 7 A – sitting on one of them – 8 Q So Mike White was a witness; you didn't 9 report it to him. 10 A Right. 11 Q He witnessed it himself, okay. 12 A He witnessed multiple years of it. 13 Q And then Susan Hart, did you report one of 14 these incidents in 2015 or she witnessed it? 15 A She witnessed them. She was with him a lot 16 when he did it and thought it was funny and stuff. 17 Q Okay. So what about the – you said also 18 the other incidents in 2015 would be him backhanding 19 you to the groin. Can you recall any of those? 20 A Just in the warehouse – date-wise exactly 21 couldn't. But the ones in '15, Tracy Duncan saw a 22 lot of them. Me and Tracy Duncan was in the 23 offices. She's Q – quality control, saw a lot of 24 this stuff go on. 25 Donnie Taylor is one of my tow motor</p>	<p>Page 124</p> <p>1 A Yes, ma'am. 2 Q All right. Did you report any of the two 3 kicks to anybody in 2014? 4 A I don't – I can't honestly tell you I did, 5 ma'am. 6 Q Okay. What about any of the ten backhands? 7 A Only reporting I did about them then would 8 be to employees that have been there for 20 years or 9 more that I had respect for and stuff and asked 10 opinions of what to do. But as a boss or called 11 corporate or anything, I did not. 12 Q Okay. Who did you ask what you should do? 13 A Terry Stafford. Ken Buckmaster was in 14 maintenance for years and years. J.R. Sanders, 15 which actually threatened to kill me, just like 16 Tommy did, literally. And they said the best thing 17 you can do is shut your mouth because he's going to 18 continue doing it or you're going to get fired. 19 Q They all – so what did Terry Stafford say? 20 A He said you best shut your mouth about it 21 and not say nothing to nobody or you'll use your job 22 because he'll fire you. 23 Q Okay. What did Ken Buckmaster say? 24 A He said, you need to go tell Larry about it. 25 I said, well, I have told him some. And he said,</p>
<p>Page 123</p> <p>1 drivers. He witnesses a whole lot of them. And 2 they witnessed them, too, in '15. 3 Q The slapping of the – the backhanding of 4 the hand to the groin, did you report – in 2015, 5 did you report that to anybody? 6 A Just to Larry. Larry is my top reporter 7 because I thought he was plant manager and could – 8 I just thought that's the highest you could go and 9 it could stop. 10 Q Did you report it outside of Gallatin? 11 A No, ma'am. 12 Q Okay. All right. Let's go back, then. 13 2014, how many of those are kicks and how 14 many of those are the backhand to the groin? You 15 said there were about 12 times in 2014. 16 A To be absolutely honest with you, I'm going 17 to say two kicks and the rest backhands. 18 Q Okay. 19 A They were actually probably done at the 20 tobacco end of the warehouse on the floor in front 21 of somebody or – couldn't tell you exactly a person 22 because there were so many people working in the 23 tobacco stuff. 24 Q So you can't remember any specific incident, 25 you're just estimating that many times?</p>	<p>Page 125</p> <p>1 well, you need to report it again, and you need to 2 start documenting things. 3 That's where I come up – one of the ideas 4 somebody told me to start documenting things, even 5 on a scratch piece of paper or whatever. 6 Q Okay. So you started documenting it because 7 Ken Buckmaster told you you should start documenting 8 it? 9 A Yes, ma'am. 10 Q That was about in 2004 sometime – 2014 11 sometime? 12 A Yeah. Somewhere right around in there, I'm 13 thinking, something like that. So many dates we're 14 talking about, I can't – I'm just – I'm trying my 15 best. 16 Q What about J.R. Sanders? What did he tell 17 you to do? 18 A He was working a different shift. He'd been 19 there for a lot of years. This was – this is 20 probably 2015 or – well, it was – I think it 21 was – it was right before Tommy got dismissed, I 22 believe. We was at the picnic table eating. He 23 come in on second shift, and he was going up the 24 steps to clock in. And there's about five of us 25 eating at the table, and somebody said something,</p>

<p>Page 126</p> <p>1 said, hey, J.R., or whatever, and he said something. 2 We always thought J.R. was bipolar anyway. He had 3 five incidents where he'd punch people in the face 4 and they sent him to anger management. 5 But anyway, for some reason he thought I 6 said something, so he come running across the 7 parking lot, and he jumped right in the middle of 8 the picnic table where people were eating and he 9 swung at me and hit me across my shoulder right here 10 (indicating), and knocked me into the fence, and 11 then started trying to swing. One of my tow motor 12 drivers is huge, and Larry Eden was parked right 13 next to us and didn't stop it or nothing. He rolled 14 his window up and didn't do nothing, but... 15 Q My question, though, was – 16 A Oh, I'm sorry. 17 Q I thought you said you went to J.R. Sanders 18 for guidance about – 19 (Overlapping speech.) 20 A I asked him what he would do about it. 21 Q Okay. 22 A He also – his response was, you need to 23 keep your F'ing mouth shut about it before you lose 24 your job. 25 Q Okay. Anybody else that you went to for</p>	<p>Page 128</p> <p>1 anything or anything to try – I can't say the word. 2 If you say anything bad about Tommy Whited, you'll 3 be fired or you'll be out the door for some kind of 4 reason. 5 Q Okay. Did you report it to anybody else 6 other than Mike White? 7 A No, ma'am. 8 Q Okay. What about 2012? You said there were 9 six incidents. Kick or backhand to the groin? 10 A Backhand, ma'am. 11 Q Okay. 12 A And I did not report them outside of 13 Gallatin. 14 Q Okay. Did you report any of those incidents 15 to anybody in Gallatin? 16 A No, ma'am. I was at the point I was just 17 scared, like wondering how this could happen. 18 Q Okay. 19 A No, I did not. 20 Q All right. 2011, you said there were seven 21 incidents. What are we dealing with there? 22 A Probably just all slaps. 23 Q Okay. Slaps to the groin? 24 A Yes, ma'am. 25 Q Okay. Did you report those to anybody in</p>
<p>Page 127</p> <p>1 guidance? 2 A I can't recall right off – right now off 3 the top of my head. 4 Q And the backhanding to the groin, you never 5 reported that to anybody outside of Gallatin? 6 A No, ma'am. 7 Q Okay. All right. 2013. We've got, you 8 said, eight incidents. How many were kicks, 9 backhand to the groin? What are we talking about? 10 A I'm going to say probably one kick, which 11 would have been in the shipping office. Rest of 12 them would have been backhands. 13 Q Okay. In 2013, did you report that one 14 kicking incident to anybody? 15 A No, ma'am. 16 Q Okay. What about the seven backhanding to 17 the groin? Did you report those to anybody? 18 A I just told Michael White, I didn't 19 understand how he can get away with all this. 20 Q Was that in 2013 or – 21 A Yes, ma'am. 22 Q – is that some other time? 23 A No. That was 2013. 24 Q Okay. And what did Mike White say? 25 A He said, you'll learn that if you say</p>	<p>Page 129</p> <p>1 2011? 2 A I'm not – I can't honestly say I did. 3 Q Okay. Did you report it outside of 4 Gallatin? 5 A No, ma'am. 6 Q Okay. 2010, you've got five incidents. 7 What are those? 8 A Be slaps. 9 Q Okay. Did you – slaps to the groin? 10 A Yes, ma'am, slaps to the groin. 11 Q Did you report those to anybody in 2010? 12 A No, ma'am. Just my – people I work with 13 and which aren't nobody. 14 Q Okay. Did you report it outside of 15 Gallatin? 16 A No, ma'am. 17 Q 2009, you said there were three incidents. 18 What would those have been? 19 A They'd have been all just slaps to the 20 groin. 21 Q Okay. 22 A The real kicks didn't come until a bit later 23 and really got violent later on in years. 24 Q Okay. Did you report those slaps to the 25 groin to anybody –</p>

<p>Page 130</p> <p>1 A No, ma'am.</p> <p>2 Q – that took place in 2009?</p> <p>3 A Not that I recall, ma'am, I did not.</p> <p>4 Q Okay. Did you report it to anybody outside</p> <p>5 of Gallatin?</p> <p>6 A No, ma'am.</p> <p>7 Q All right. The next thing – well, I'm</p> <p>8 going down the list. We had grabbed or squeezed</p> <p>9 your balls, kicked from behind, fell to the ground.</p> <p>10 There was another one, kicked so hard you flipped</p> <p>11 over the desk. Is that the one we've already talked</p> <p>12 about –</p> <p>13 A Yes, ma'am, we talked –</p> <p>14 Q – where he came up behind and kicked you</p> <p>15 and you kind of flipped over the desk?</p> <p>16 A Yeah. I went all the way over.</p> <p>17 Q Okay.</p> <p>18 A There was two of them incidents, but yes, we</p> <p>19 talked about both of them.</p> <p>20 Q Okay. The next thing was he'd say suck his</p> <p>21 dick, you stupid motherfucker. Now, we talked about</p> <p>22 all the times that he said that with respect to</p> <p>23 pulling down his pants. Were there other times that</p> <p>24 he said suck my dick?</p> <p>25 A His famous saying – he would say it, but it</p>	<p>Page 132</p> <p>1 Q Like you might yell out, oh, fuck, or</p> <p>2 something like that?</p> <p>3 A No, I won't scream out where people –</p> <p>4 Q Okay.</p> <p>5 A – can hear me and I get in trouble. And I</p> <p>6 won't say something in front of truck drivers or</p> <p>7 women, no, I do not.</p> <p>8 Q Okay.</p> <p>9 A I do not do that.</p> <p>10 Q Well, if other people report that you say –</p> <p>11 that motherfucker is one of your phrases that you</p> <p>12 use quite frequently in the workplace, how do you</p> <p>13 respond to that?</p> <p>14 MS. COLLINS: Objection to form.</p> <p>15 THE WITNESS: It's not true.</p> <p>16 BY MS. DOHNER SMITH:</p> <p>17 Q Okay.</p> <p>18 A That's not –</p> <p>19 Q So what cuss words would you say in the</p> <p>20 workplace?</p> <p>21 A I mean, I've probably said dammit or shit or</p> <p>22 something like that, I'm sure.</p> <p>23 Q Okay. But you wouldn't – you wouldn't cuss</p> <p>24 in front of women? You'd try not to do that?</p> <p>25 A Well, yeah, that's – you have to be</p>
<p>Page 131</p> <p>1 would be more a lot of times, he'd be walking by or</p> <p>2 something with Susan and he'd say, you know, come</p> <p>3 here and suck my dick, you stupid motherfucker.</p> <p>4 And I'm sorry, y'all, I have to use this</p> <p>5 language. My mama would kill me for it. I'm sorry.</p> <p>6 Q Well, you use the term motherfucker at work,</p> <p>7 don't you?</p> <p>8 MS. COLLINS: Objection to form.</p> <p>9 BY MS. DOHNER SMITH:</p> <p>10 Q You do, too.</p> <p>11 MS. COLLINS: Objection to form.</p> <p>12 BY MS. DOHNER SMITH:</p> <p>13 Q Right? If we're going to be honest, you use</p> <p>14 the term fucker and motherfucker at work, don't you?</p> <p>15 A I just don't want to be disrespectful to</p> <p>16 women.</p> <p>17 Q That's okay. I understand.</p> <p>18 Do you use it on the floor at work?</p> <p>19 A I've probably been known to cuss –</p> <p>20 Q Okay.</p> <p>21 A – most time myself.</p> <p>22 Q Is the F word one of the words you say when</p> <p>23 you cuss?</p> <p>24 A I kind of go down on myself about doing</p> <p>25 something stupid.</p>	<p>Page 133</p> <p>1 careful. I think – you know, I don't know what my</p> <p>2 title really is. I'm supposed to be in management.</p> <p>3 You're supposed to watch what you say.</p> <p>4 You have to be careful in front of truck</p> <p>5 drivers, even if they're male or female, about what</p> <p>6 you say because, I mean, I could lose my job a lot</p> <p>7 quicker than going through all of this, what we're</p> <p>8 going. I mean, you know, one phone call, I could be</p> <p>9 gone.</p> <p>10 Q So that's external truck drivers. What</p> <p>11 about other WestRock employees? Do you swear in</p> <p>12 front of them?</p> <p>13 A I'm sure I probably have.</p> <p>14 Q Do you swear just in front of men or in</p> <p>15 front of women, too?</p> <p>16 A There's one woman there that uses some</p> <p>17 strong language, a lot worse than I'd ever probably</p> <p>18 use, but that's her normal talk.</p> <p>19 Q Yeah, but I'm asking about you. Do you use</p> <p>20 swear words in front of women as well as men?</p> <p>21 A I've probably said dammit or shit or</p> <p>22 something in front of a woman before, I'm sure.</p> <p>23 Q Okay. Do you try not to swear in front of</p> <p>24 women?</p> <p>25 A I try my best not to, yes.</p>

<p>Page 134</p> <p>1 Q Why is that?</p> <p>2 A Well, believe it or not, my mother is</p> <p>3 77 years old, and I've got respect for her. And</p> <p>4 it's just the language -- she does not like bad</p> <p>5 language. My brother, we just buried him, he's</p> <p>6 younger than me, last year, and it's out of respect</p> <p>7 for -- respect for her. Or I probably would use a</p> <p>8 lot worse language, you know.</p> <p>9 At home, I'm not allowed to cuss because</p> <p>10 you've got the grandkids and they'll pick up</p> <p>11 something quick.</p> <p>12 All of my guys would try to watch because</p> <p>13 the tow motor is loud and it travels. You just</p> <p>14 don't want to offend somebody and get in trouble,</p> <p>15 because I've got some of the best tow motor drivers</p> <p>16 there is out there at WestRock.</p> <p>17 Q How many times has Tommy told you suck my</p> <p>18 dick, stupid motherfucker, outside of the unzipping</p> <p>19 of the pants incidents we've talked about?</p> <p>20 A Over an eight-year period, I'm going to say</p> <p>21 probably 40.</p> <p>22 Q Okay. Did you ever report any of those to</p> <p>23 anybody?</p> <p>24 A No, I did not.</p> <p>25 Q Okay.</p>	<p>Page 136</p> <p>1 last time he said it, but he probably total did that</p> <p>2 probably six times, seven times maybe.</p> <p>3 Q Okay. When did he say it the other times?</p> <p>4 A To be absolutely honest, probably maybe just</p> <p>5 about once a year.</p> <p>6 Q Okay. Did you ever report that to anybody?</p> <p>7 A I just told him that I didn't like that at</p> <p>8 all. That's the only person I reported it to was</p> <p>9 him.</p> <p>10 Q Okay. So you didn't report it outside of</p> <p>11 Gallatin?</p> <p>12 A No, I did not, ma'am.</p> <p>13 Q All right. Anything else that Tommy Whited</p> <p>14 did to -- oh, wait. We've got smack in the ass. We</p> <p>15 had that as well.</p> <p>16 When did he smack you in the ass?</p> <p>17 A You know, to be absolutely honest, probably</p> <p>18 three or four times a year in the past five years,</p> <p>19 and I did not report it to -- outside of Gallatin or</p> <p>20 to Larry either.</p> <p>21 Q Okay. So you didn't report him smacking you</p> <p>22 in the ass to anybody?</p> <p>23 A No. No, I did not.</p> <p>24 Q Okay.</p> <p>25 A Just people that saw it, you know, just</p>
<p>Page 135</p> <p>1 A Most time people were standing there</p> <p>2 listening, but that's just --</p> <p>3 Q Did you report to anybody outside of</p> <p>4 Gallatin?</p> <p>5 A No, I did not.</p> <p>6 Q The next thing that you had on your list was</p> <p>7 he would say, you stay over so I can go home and</p> <p>8 screw your wife or fuck your wife.</p> <p>9 A Right.</p> <p>10 Q When did that happen?</p> <p>11 A Well, about a month before he left there, he</p> <p>12 said that in front of the -- inside the shipping</p> <p>13 office, said that in front of everybody, and it</p> <p>14 really made me angry.</p> <p>15 You know, all this stuff had gone on for</p> <p>16 years now, whether who believes me or who doesn't</p> <p>17 believe me, has made me lose a lot of my</p> <p>18 self-esteem, and everything else, and made me feel</p> <p>19 like that I'm not a man to my significant other.</p> <p>20 And so when he said stuff like that, it really</p> <p>21 bothered me. Still does bother me to think about</p> <p>22 it.</p> <p>23 Q So that would have been the summer of 2016</p> <p>24 that he said it?</p> <p>25 A It was shortly before he -- that was the</p>	<p>Page 137</p> <p>1 laughed, thinks it's funny and stuff. You know,</p> <p>2 just like him trying to run over me in his truck and</p> <p>3 hit me in his truck, you know.</p> <p>4 Q When did he try to run over you with his</p> <p>5 truck?</p> <p>6 A In 2015. Around out in the shipping office,</p> <p>7 dock area, I have to go out there a lot, check on</p> <p>8 what trailer is here, so on, so on, so on. But when</p> <p>9 Tommy would be coming from the plant or coming from</p> <p>10 whatever, he'd come around the building, and he</p> <p>11 always turned around and looked down to see who's at</p> <p>12 the dock area and I'd be out there. Well, he'd have</p> <p>13 a brand-new Dodge truck. Well, he took off flying,</p> <p>14 and go through the gate entrance and he'd slam on</p> <p>15 the brakes.</p> <p>16 But one time he hit me and he knocked me</p> <p>17 about 35 foot across the parking lot. He made my</p> <p>18 leg get a bruise probably from my hip down below my</p> <p>19 knee and told me to go home. Sent me home</p> <p>20 immediately for a few days with pay so I wouldn't</p> <p>21 tell on him.</p> <p>22 But he probably tried to run over me at</p> <p>23 least 20-something times out in the parking lot,</p> <p>24 with everybody -- with Donnie Taylor out there,</p> <p>25 Tommy Davis, Willie White, Terry Stafford.</p>

<p>Page 138</p> <p>1 Q Do you think he was really trying to run you 2 down or was he like just kind of pretending that – 3 (Overlapping speech.) 4 A I think playing. 5 Q – he was going to – playing and then slam 6 on his brakes and – 7 A I actually think he was playing, but – 8 Q But one time he actually did run into you? 9 A Yes. It – yes, and it knocked me and 10 scratched me all up. 11 Q When did that happen? 12 A That was 2015-something. 13 Q Do you remember the month? 14 A It was warm, so I'm going to say somewhere 15 around July or August. 16 Q Okay. Did you report that to anybody? 17 A No, ma'am. Just – not outside of Gallatin, 18 nor in. I just – you know, we say – you know, or 19 I say, I think he was playing and this and that and 20 the other, but it still didn't feel good. None of 21 this feels good, you know. 22 Q Did anybody see him hit you with the truck? 23 A Donnie Taylor, Tommy Davis, Willie White. I 24 don't know if Terry Stafford was out there anyway, 25 but he's Tommy's best friend anyway. I don't know</p>	<p>Page 140</p> <p>1 home with a big old bruise and stuff. 2 Q So he'd come up behind you with a stick and 3 hit you in the knee to pop your knee? 4 A He'd hit me in the head or anything with the 5 stick. But he was real bad about Charley horsing me 6 with his knee. He's throwed his hard hat at me. 7 Q So any other – so you've told me this 8 happened like three times in 2013, four to five 9 times in 2014, six times in 2015. Any other times? 10 A I can't remember about how many in '16. As 11 years went, on toward the end there, he was getting, 12 I don't know if it's the word, but he was getting 13 more violent or more – hurting me a lot more than 14 what – whoever wants to say it was playing or 15 whatever, I didn't feel like it. It was getting a 16 lot worse. 17 Q So any of these incidents where he punched 18 you in the eye or the jaw with his fist or hit you 19 with sticks or did the Charley horse type thing, 20 threw his hard hat at you, did you report any of 21 that to anybody outside of Gallatin? 22 A Not outside of Gallatin. Just to the 23 management at WestRock here. 24 Q Okay. So which incident did you report and 25 to who? We've got three incidents in 2013 where he</p>
<p>Page 139</p> <p>1 if they – I don't think they was there the day he 2 flipped me, but they've been out there the other 3 times or most of the times that he tried to act like 4 he was going to run me over and I had to jump out of 5 the way or this, that, and the other. They was out 6 there. 7 Q Anything else that Tommy has done to you? 8 A You know, he's punched me in my eye or in my 9 jaw with his fist. 10 Q Okay. When has he punched you in your eye 11 or jaw? 12 A 2015, I'm going to say probably six times. 13 Q Any other years that he did that? 14 A He was real bad – 2014, he probably – he 15 liked hitting me with sticks. He probably did it 16 four or five times. 2013, probably three. 17 Q In 2013, three times he hit you with his 18 fist or with sticks? 19 A Sticks. He was real big about, too, about 20 if I was up like this, this part of your leg or that 21 part of your leg (indicating), if you take your knee 22 and you jar it right there, what we call when we was 23 in high school Charley horse. 24 Q Yeah. 25 A He did that many, many times, and I went</p>	<p>Page 141</p> <p>1 hit you with sticks, four to five where he hit you 2 with sticks in 2014, six times where he hit you in 3 2015. And how many times do you think in 2016? 4 A I'm just going to say a couple in '16, 5 because these dates are finally just dwelling in my 6 head where I'm getting confused. 7 Q Do you want to take a quick break? 8 A Well, I want to try to – I know you don't 9 feel good, so I want to try to – 10 Q Don't – don't worry about me. This is my 11 job. I get paid to be here. I appreciate your 12 concern, though. 13 If you need a break, I would like you to 14 take a break. 15 A I could use one for a minute, please. 16 MS. DOHNER SMITH: All right. Let's go 17 ahead and take a break, then. 18 VIDEOGRAPHER: We are going off the 19 record. The time on the monitor is 2:11 p.m. 20 (Recess observed.) 21 VIDEOGRAPHER: We are back on the 22 record. The time on the monitor is 2:23 p.m. 23 BY MS. DOHNER SMITH: 24 Q So, we were talking about the punching in 25 the eye or the jaw or hitting with sticks. You</p>

<p>Page 142</p> <p>1 never reported any of those incidents to anybody 2 outside of Gallatin; is that correct? 3 A No, I did not. 4 Q Did you report any of those to anybody 5 inside of Gallatin? 6 A I can't honestly say that I went directly to 7 Larry to tell him, you know, hey, he punched me in 8 the face. I can't honestly say I did. 9 Q Okay. Is there anything else that Tommy did 10 to harass you, hurt you in any way? 11 A He just took all my self-esteem, everything, 12 you know, took all that away from me. But as far as 13 physically, no, ma'am. 14 Q Well, any other – any other actions on his 15 part? 16 A No, ma'am. 17 Q Okay. 18 A I shouldn't have said what I said. I'm 19 sorry. 20 Q All right. 21 A I've been trying to remember everything I 22 can. 23 Q And I appreciate that. 24 Did Tommy do any of these things to any 25 other people?</p>	<p>Page 144</p> <p>1 know, I'm sorry, but I would. It just didn't 2 matter. It would be done to his satisfaction. 3 Q Did you – have you witnessed Tommy hit 4 or – the slap in the groin, by that do you mean the 5 backhand to the groin? 6 A Yes, ma'am. 7 Q Have you witnessed him doing that to Donnie 8 Taylor personally? 9 A Yes. 10 Q How many times? 11 A I probably witnessed that two times. 12 Q Okay. When was that? 13 A Honestly, I'm going to say it was probably 14 2014, maybe one time, and 2015, one. 15 Q Okay. 16 A Donnie wouldn't put up with it. 17 Q He wouldn't put up with it? 18 A No, he would not. He would tell him that he 19 would get him – you know, he would hit him back in 20 his if he did it again. 21 Q Okay. So Donnie would hit Tommy back? 22 A He said if he did him again. 23 Q Okay. And then Tommy stopped? 24 A Yeah. He didn't do it again. Jerry 25 Harville, I witnessed him backhand Jerry.</p>
<p>Page 143</p> <p>1 MS. COLLINS: Objection to form. 2 BY MS. DOHNER SMITH: 3 Q That you witnessed? 4 A Yes. 5 Q Okay. 6 A Slapping in the groins. I saw him do Donnie 7 Taylor. I saw him do Jerry Harville, Terry 8 Stafford. The cussing and the language and all, 9 everybody I just named and probably hundreds of 10 names I can't even think of. 11 Q Well, cussing and language, is that 12 something he cussed both in front of men and women? 13 A Yes, ma'am. 14 Q Okay. 15 A He – sometimes it wasn't as severe. He 16 would get angry and he would – he would cuss, 17 especially if a machine or something wasn't – he 18 was real moody. 19 If the place was a mess – a lot of times 20 that's why he would call me and get me down there 21 and holler at me for a long time about this, get 22 it – but he knew one thing, no matter what the 23 problem was, if he told me to get it taken care of, 24 it didn't matter what, that I would make sure it got 25 done. I don't care what it did to me. I don't</p>	<p>Page 145</p> <p>1 Q Backhand him to the groin? 2 A To the groins, yes, ma'am. I'm sorry. I'm 3 going to say three times. 4 Q When was that? 5 A Probably once in 2014, one in '15, one 6 in '16. 7 Q Okay. What did Jerry do? 8 A He said, you keep on, I'm going to pop you 9 back, or whatever, but, you know, Jerry wasn't going 10 to touch him back. 11 Q Did Tommy stop him? 12 A Only person I know – yeah, he didn't do it 13 again right then, no. You know, he said, yeah, you 14 touch me, I'll fire you and all that. 15 I saw one person actually retaliate, Mikey 16 Eden, which there's a lot of kinfolk at this 17 facility. He slapped Mikey – Mikey is a little 18 bitty fellow, too. He's probably my age, but he's, 19 I'm going to say he's 4-foot-11 and 200 pounds. 20 Anyway, Tommy slapped him in the groins and 21 Mikey said something, and when Tommy started to walk 22 off, Mikey kicked him in his behind. And Tommy 23 Whited had his nice clothes on, and I thought Mikey 24 Eden was going to get fired over that. 25 Q Did he get fired?</p>

<p>Page 146</p> <p>1 A No, he did not. But I don't think that ever 2 happened again. I don't think Tommy ever popped him 3 again and I don't think Mikey -- of course, Mikey 4 said, well, you know, if he does me, I'm going to do 5 him back. But I think there was an understanding 6 real quick that that -- that Tommy didn't like that. 7 You know, he put a big footprint right on his slacks 8 or whatever. Even though he did it first, he didn't 9 like that at all. 10 Q What about Terry Stafford? 11 A He used to backhand him like this, but Terry 12 Stafford is -- he's strong, country boy, and all 13 he'd have to do is threaten to get -- Tommy, I'll 14 get you in a headlock, or whatever or something, you 15 do that again, or whatever, and he wouldn't bother 16 Terry Stafford no more. 17 Q So Terry said, if you do that again, I'm 18 going to do something -- 19 (Overlapping speech.) 20 A Get you in a headlock, something like that. 21 Q And then Tommy didn't do it again? 22 A No, not Terry. Terry Stafford is a country 23 boy and he's strong. He could probably take a bar 24 and bend it. He's a strong man. 25 Q Okay. Anybody else that you've seen Tommy</p>	<p>Page 148</p> <p>1 you've done some of the other employees at the other 2 plant, you know. 3 Q Did Tommy have some reason not to like you? 4 A Well, Lord no, because there's not a job 5 there that wouldn't get done if he needed me to do 6 it. He knew this. I don't know -- I don't know how 7 to explain it, but anything he asked me to do, I 8 did. Of course, I didn't want to lose my job, but I 9 would bend over backwards, make sure it was done the 10 right way, no matter what it was. 11 Q Do you think Tommy had some sort of a sexual 12 desire for you? 13 A I try not to think that he had a sexual 14 desire for me, but I can't answer for him. 15 Q Do you think he -- 16 A I like women. I don't like men. 17 Q Did -- do you think he had some animus 18 against you because you're a man in the workplace? 19 MS. COLLINS: Objection to form. Calls 20 for a legal conclusion. 21 BY MS. DOHNER SMITH: 22 Q Did he have some hostility toward you 23 because you're a man in the workplace? 24 A I honestly can't -- I don't know how to 25 answer the question. Tell you the truth, I don't</p>
<p>Page 147</p> <p>1 do any of this to? 2 A I can't 100 percent say anybody else and be 3 100 percent positive about it right now, ma'am. 4 Q Okay. Why do you think Tommy did these 5 things or kept doing these things to you, if he did 6 them to these other guys and they said stop and -- 7 or I'm going to do this -- 8 A They always told me that he liked me. 9 Q Who told you that he liked you? 10 A All these other guys that -- Terry Stafford, 11 all the older people that's been there for years, 12 said that Tommy did things like that to me because 13 he liked me. And I'm like, well, I don't want to be 14 liked. I'd rather be disliked. 15 Q What do you mean, liked? Like a romantic 16 relationship or sexual relationship, or just liked 17 you as a person? 18 A Liked me as a person. 19 Q Okay. 20 A As far as coming out of Tommy Whited's 21 mouth, I didn't ever hear that. But that's -- you 22 know, but I made the statement before, you know, if 23 that's -- you know, if you're going to do things to 24 me like that so we'll have a friendship or whatever, 25 I'd rather you not speak to me for 20 years like</p>	<p>Page 149</p> <p>1 know how to answer it. 2 Q Okay. 3 A I'm not being mean. I'm just saying, I 4 don't understand why he did it and still don't, and 5 it's bothered me for years, and that's why I see 6 counseling now. I'm trying to cope with life. 7 Q Do you think he did it because he didn't 8 think you were manly enough? 9 MS. COLLINS: Objection to form. 10 THE WITNESS: I don't know. 11 BY MS. DOHNER SMITH: 12 Q Okay. 13 A I don't know. I would not hit him back. 14 But, of course, you know, he was general manager, 15 you know. I wanted my job. Of course I'm not going 16 to. 17 Q Did Tommy ever say or do anything that led 18 you to believe that he didn't think men should be 19 working at WestRock? 20 A No. But he made comments about there's not 21 enough women. 22 Q Tell me about that. 23 A When the tobacco contract went away that 24 second time and we all knewed that he was the main 25 reason we lost it and it wasn't ever going to come</p>

<p>Page 150</p> <p>1 back, he said, well, now we're never going to have 2 any fresh pussy or anything like that in here. Of 3 course, he used to try to – 4 Q So, by fresh pussy, he was referring to 5 female – new women in the workplace? 6 A New women, yes. Just like Susan Hart. Her 7 breasts were real big, and he used to say, watch 8 this, Kuli. And he'd holler at her and try to get 9 her to run across the floor. Of course, they were 10 real big, of course, and they'd bounce. I wouldn't 11 look, wouldn't do anything, because I didn't want to 12 get in trouble because I just knew that was a setup 13 or whatever. 14 But he did like women, and he liked all 15 women, young. A lot of women got raises there; a 16 lot of men didn't. Don't know – I'm not 17 insinuating anything they did to get them or 18 anything. I'm just saying that the women could get 19 raises before men could. 20 Q Well, what is it about you personally that 21 led Tommy to harass you? 22 MS. COLLINS: Objection to form. 23 BY MS. DOHNER SMITH: 24 Q What do you think it is? 25 A He knows he terrified me. This is hearsay,</p>	<p>Page 152</p> <p>1 anything back in myself. 2 Q Do you think that he did these things 3 because you're a man? 4 MS. COLLINS: Objection to form. 5 THE WITNESS: I don't know how to 6 answer that. I really don't. I don't know how to 7 answer what he thought. I don't know why he did it. 8 I pray to the good Lord every day – I'd hate to see 9 him do anybody, but if nothing else happens with 10 this, he will not be in there doing another male or 11 female, you know, hitting anybody else, no matter 12 what. 13 BY MS. DOHNER SMITH: 14 Q Did he mistreat women in any way? You've 15 already told me he'd make Susan Hart run so that her 16 boobs would bounce – 17 (Overlapping speech.) 18 A He'd do it on purpose so he could get 19 tickled. But no, he treated females very special. 20 Q What do you mean by special? 21 A Well, in the summertime, some of them – 22 he'd let some of them, before they got strict with 23 some dress code, but wear a white tank top and have 24 top half of their body be nice looking, and he would 25 enjoy things like that. He would stay over in that</p>
<p>Page 151</p> <p>1 but he would tell people like Terry Stafford or 2 somebody because they told – like I said, it's 3 hearsay, but they told me. They said, watch me tear 4 Kuli all up. Watch this. And he'd start screaming 5 at me and make me nervous and all this kind of 6 stuff. He thought it was a game. So I don't know 7 if that's the way this started, as a game, see how 8 upset he could get me, you know, where maybe I'd 9 stroke out and die in there, what was coming next. 10 Q So you think this started because he could 11 actually get you upset and get you worked up? 12 A Well, I know he brought that up to Terry a 13 lot, saying that, you know, watch this, watch me get 14 him upset here, watch this, watch this. And Kuli, 15 get your ass over here. You know, why is this like 16 this and why is this like this? And I'd say, well, 17 I'll get it taken care of right now. And he knowed 18 I would. But they'd just sit over there and laugh 19 about it and think it was funny. 20 But I mean, it didn't do nothing to me but 21 ruin my life, what I think about myself and other 22 things. I mean, you know, no matter what happens in 23 any of this, I know what really happened through all 24 of it, and I know how I feel, and it's going to be 25 hard to ever get my self-esteem and ever get</p>	<p>Page 153</p> <p>1 vicinity for long periods of time. 2 Q What about touching women? Did he ever rub 3 their breasts or their bottom sides, anything like 4 that? 5 A I can't answer that I saw that directly. I 6 can't. 7 Q Okay. 8 A You know, stuff like that was all just 9 hearsay. And his famous saying was, if you don't 10 have a freaking picture, you better shut up. You 11 know, and that's – that was his saying. And of 12 course, I never did want to get in confrontation. 13 You know, I was going through enough. I wasn't 14 going to bring up nothing. 15 Q Do you think there was something about your 16 personality that made him kind of pick on you as 17 opposed to everybody else? 18 MS. COLLINS: Objection to form. 19 THE WITNESS: Ma'am, I don't know. You 20 know, I used to think maybe it was because I was 21 Polish or something, but I don't have a clue. 22 BY MS. DOHNER SMITH: 23 Q Okay. So you think he doesn't like Polish 24 people? 25 A I'm just saying, I used to think maybe that</p>